TOWN OF GARNER



Town Council Meeting

May 7, 2012 7:00 P.M.

Garner Town Hall Council Meeting Room

Town of Garner Town Council May 7, 2012

The Garner Town Council will meet in regular session at 7:00 P.M. on Monday, May 7, 2012 in the Town Council Meeting Room

Dinner will be served for town officials in the Conference room at 6:15 pm

- A CALL MEETING TO ORDER
- B PLEDGE OF ALLEGIANCE Council Member Singleton
- C INVOCATION Council Member Singleton
- D PETITIONS AND COMMENTS

This portion of the meeting is to receive comments from the public on items not included in this agenda. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. The Board is interested in hearing your concerns, but may not take action or deliberate on subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.

- E ADOPTION OF AGENDA
- F PRESENTATIONS
 - Parks, Recreation and Cultural Resources Department
 Activities and Highlights
 Presented by: Rob Smith, Recreation Superintendent
 - Proclamation for Peace Officers' Memorial Day and Police Week

Presented by: Ronnie S. Williams, Mayor Presented to: Brandon Zuidema, Police Chief

- 3. Proclamation for Public Works Week

 Presented by: Ronnie S. Williams, Mayor

 Presented to: Paul Cox, Public Works Director
- 4. Residential Property of the Month, Robert Chappell, 108 McKnitt Place

 Presented by: Reginald Buie

G CONSENT

All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

1. Minutes from the March 27, 2012, April 2, April 16, April 17, 2012 Meeting

Action: Adoption of Minutes

2. Town Council Planning Retreat Report, 2012

Action: Adoption of Report

3. Wake County Tax Report, February 2012

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$4,977.88 for taxes from 2003 to 2011. These actions occurred in the period from February 1 to February 29, 2012 and are presented for approval.

Action: Approval of Tax Releases

H PUBLIC HEARINGS

1. Conditional Use Rezoning CUD-Z-12-03 and Conditional Use Permit CUP-SP-12-05

Presented by: Brad Bass, Planning Director

This is a request by Evergreen Construction Company to rezone a 5.7 acre tract located on Timber Drive, East near New Rand Road from O&I C152 to MF-2 C164 and a site plan application construction of a 48 unit senior apartment project. The Planning Commission recommends approval of both applications based on staff recommendations.

Action: Adopt Ordinance No. (2012) 3661; Consider Permit Application

I OLD NEW BUSINESS

1. Amendment to Engineering Services Agreement Presented by: Frank Powell, Town Engineer

Frank Powell, Town Engineer Chuck Nuckols, Kimley-Horn

This amendment to Kimley-Horn's existing engineering services agreement provides for the preliminary design of several of the historic downtown Garner transportation improvements discussed by the Council at the January work session. In addition, this amendment also provides for the final design of the proposed sidewalk on Main Street from Pearl Street to NC 50 and on NC 50 from US 70 to Garner Road.

Action: Authorize Execution of Amendment #1 to Services Agreement

- J COMMITTEE REPORTS
- K MANAGER REPORTS
 - 1. Star Tracker
 - 2. Zoning and Sign Enforcement Reports
 - 3. Presentation of FY 2012 2013 Proposed Budget
- L ATTORNEY REPORTS
- M COUNCIL REPORTS
- N ADJOURNMENT

Town of Garner Town Council Meeting Agenda Form

Meeting Date: Monday, May 7, 2012 Subject: Peace Officers' Memorial Day & Police Week Location on Agenda: Presentations Department: Police Contact: Brandon Zuidema Presenter: Ronnie S. Williams, Mayor Brief Summary: This Proclamation recognizes May 13th as National Peace Officers' Day and also recognizes the week of May 13 - 19, 2012 as Police Week. Recommended Motion and/or Requested Action: Present Proclamation Detailed Notes: N/A Funding Source: N/A One time • Annual Cost: N/A Manager's Comments and Recommendations: N/A Attachments Yes No Agenda Form Reviewed by: Initials Comments Department Head Enter Initials. Enter Comments. Finance Director Enter Initials. Enter Comments. Town Attorney Enter Initials. Enter Comments. Town Manager Enter Initials. Enter Comments. Town Clerk KM Enter Comments.

PROCLAMATION

PEACE OFFICERS' MEMORIAL DAY POLICE WEEK IN GARNER

WHEREAS, The Congress and President of the United States, through Public Law 87-726 signed by President John F. Kennedy in 1962, have designated May 13, 2012 as Peace Officers' Memorial Day, and the week in which May 13th falls as National Police Week; and

WHEREAS, Public Law 103-322, signed by President William Clinton in 1994, directs that the flag of the United States on all Government buildings be displayed at half-staff on May 15th of each year; and

WHEREAS, the members of the Garner Police Department play an essential role in safeguarding the rights and freedoms of the Town of Garner; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Garner Police Department unceasingly provide a vital public service.

NOW THEREFORE, I Ronnie S. Williams, Mayor of the Town of Garner, North Carolina, do call upon all citizens of the Town of Garner and upon all patriotic, civic and educational organizations to observe the Week of May 13-19, 2012, as National Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHER, I call upon all citizens of Garner to observe May 13, 2012, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In Witness Whereof, I have hereunto
set my hand and caused the Great Seal
of the Town of Garner, North Carolina,
to be affixed the 7th day of May, 2012.

Ronnie S. Williams, Mayor

Town of Garner Town Council Meeting Agenda Form

Meeting Date: Monday, May 7, 2012		
Subject: Public Works Week		
Location on Agenda: Presenta	tions	
Department: Public Works		
Contact: Paul Cox		
Presenter: Ronnie S. William	s, Mayor	
Brief Summary: Proclamation recognizing Publ	ic Works Week, which	ch is May 20 - 26, 2012.
Recommended Motion and/or Req Proclamation Presentation	uested Action:	
Detailed Notes: N/A		
Funding Source: N/A		
	8	
Cost: N/A	One time A	nnual C
Manager's Comments and Recomm N/A	endations:	
Attachments Yes No		
Agenda Form Reviewed by: Department Head	Initials	Comments
-	Enter Initials.	Enter Comments.
Finance Director	Enter Initials.	Enter Comments.
Town Attorney	Enter Initials.	Enter Comments.
Town Manager	Enter Initials.	Enter Comments.
Town Clerk	KM	Enter Comments.

PROCLAMATION TOWN OF GARNER

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets, public buildings, solid waste collection and snow removal; and

WHEREAS, the health, safety and comfort of this community greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction are vitally dependent upon the efforts and skill of public works personnel; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Ronnie S. Williams, Mayor of the Town of Garner, do hereby proclaim the week of May 20-26, 2012 as

NATIONAL PUBLIC WORKS WEEK

in the Town of Garner, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works services and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Garner, North Carolina, to be affixed the 7th day of May, 2012.
D · C WITH M
Ronnie S. Williams, Mayor

Town of Garner Town Council Meeting Agenda Form

Meeting Date: Monday, May 7, 2012		
Subject: Residential Yard of	the Month	
Location on Agenda: Presenta	tions	
Department: Economic Develop	ment	
Contact: Reginald Buie, Neig	hborhood Improveme	nt Manager
Presenter: Reginald Buie		
Brief Summary: Recognition of Mr. & Mr. Chap being selected as residential		t Place, Heather Woods Subdivision for for April 2012.
Recommended Motion and/or Req	nosted Astion:	
n/a	uested Action:	
Detailed Notes: n/a		
Funding Source: n/a		
	•	0
Cost: n/a	One time	Annual
Manager's Comments and Recomm	endations:	
Attachments Yes C	No 💿	
Agenda Form Reviewed by:	Initials	Comments
Department Head	Enter Initials.	Enter Comments.
Finance Director	Enter Initials.	Enter Comments.
Town Attorney	Enter Initials.	Enter Comments.
Town Manager	Enter Initials.	Enter Comments.
Town Clerk	Enter Initials.	Enter Comments.

Town of Garner Town Council Work Session Minutes March 27, 2012

The Garner Town Council met in a Work Session at 6:00 p.m. on Tuesday, March 27, 2012 in the Town Hall Council Meeting Room to discuss the following:

Roll Call: Council Member Behringer, Council Member Kennedy, Council Member Marshburn, Mayor Pro Tem Johns and Mayor Williams

Staff Present: Hardin Watkins, Town Manager; Rodney Dickerson, Asst. Town Manager; Brad Bass, Planning Director; Matt Poole, Fire Chief; Sonya Shaw, PR&CR Director; Lin Jones, Finance Director; Reginald Buie, Neighborhood Improvement Manager; John Hodges, Garner Revitalization Association Director; Paul Cox, Public Works Director; Tony Beasley, Economic Development Director; Rick Mercier, Public Information Officer; Rob Smith, PR&CR Superintendent; and William Anderson, Town Attorney.

A. Mayor Williams called the meeting to order at 6:03 pm

Original Items B-2 (Volunteer Awards Program) and B-3 (Proclamation Requests) were removed from the agenda.

A new item – Economic Development Update was added to the agenda. This new item is now item C-5.

B. OLD/NEW BUSINESS

1. Main Street Sidewalk Project Update *Presenter:* Brad Bass, Planning Director

Mr. Bass led discussion regarding this item. He gave background and explained staff is looking for direction from Town Council with regard to option choice so project can proceed.

Mr. Nixon, a representative from Municipal Engineering Services gave a Power Point presentation detailing three available options.

There was discussion about the addition of brickwork. Staff and Municipal Engineering Services will do some additional work and come back with a more definitive estimate of costs with regard to addition of bricks.

Action: Report Received – Additional information to be provided to Town Council at later date.

2. Discussion Solid Waste Contract

Presenters: Rodney Dickerson, Assistant Town Manager & Paul Cox, Public Works Director

Mr. Dickerson started presentation and gave background regarding current and previous solid waste contracts. All Star Waste Services is the current provider of solid waste services for the town and it should be noted that the Town of Garner is currently All Star Waste Services only customer, which allows them to provide exceptional service.

Complaint Call graphs from both All Star Waste Services and Republic Waste Services were provided. All Star Waste Services graph includes data from the start of their contract, October 2009 through February 2012. Graph indicates they have a very good record as compared to previous contractor. All Star Waste Services has been very receptive in responding to any and all calls.

Two options to extend the contract with All Star Waste Service were received. The two options are as follows:

Option A would extend the current contract for two years. In this option, pricing would be held at the current level until October 1st of 2013. This would hold our cost at the current level for the entire FY 2012/13. The second year, the regular CPI adjustment would be applied on October 1, 2013. By holding the price steady for the next fiscal year and assuming a 3.2% CPI, the savings are estimated to be approximately \$53,247 for FY 2012/13 plus \$13,318 for the first quarter of FY 2013/14.

Option B proposes a five year extension. The first year of the extension proposes a price reduction of 2%. This amounts to a reduction of \$33,141 plus avoids any CPI adjustment. The reduced price remains in effect for the second year of the extension. Years 3, 4, and 5 of the extension would revert to the original contract terms with the normal CPI adjustment. All Star Waste Services verified that any price adjustments for fuel or landfill fees would be according to existing contract terms. The price reduction and avoidance of CPI adjustments for two years make this option very attractive assuming the level of service we are receiving is maintained.

It is the recommendation of staff that the Town accept Option B.

Action: Council approved recommendation of Option B. Contract will be placed on April 2, 2012 Agenda for final approval

C. REPORTS

1. Garner Volunteer Fire-Rescue, Inc. Bi-Monthly Update *Presenter:* Matt Poole, Chief

Chief Poole presented a Power Point presentation regarding the department's ladder/aerial truck.

Action: Report Received

2. 2012 Council Retreat Follow-Up of Indoor Rec Center

Presenter: Sonya Shaw, PR&CR Director

Ms. Shaw provided an update regarding Proposed Indoor Recreation Center. Also in attendance were two representatives from WK Dickson.

Ms. Shaw provided a Power Point presentation with proposed features and estimates for the indoor recreation center. These estimates provided both a low and high end estimate as well as phase estimates.

Discussion continued and staff requested additional guidance from council regarding how they wished to proceed.

Action: Direct staff to move forward with detailed cost estimate and report back to council at a later date.

3. 2012 Council Retreat Follow-Up

Presenter: Hardin Watkins, Town Manager

At this time, everyone was provided with handouts and Mr. Watkins provided a follow-up progress report with regard to actions items identified at the 2012 Council Retreat.

Items updated were Financing Options discussions with Davenport, Bond Referendum Planning, Conceptual Architectural services for Town Hall/Police Department Renovation & Expansion, Indoor Recreation Center, Downtown Improvements Defined, US70 Corridor Improvement, YMCA Continued Partnership Conversation and Library.

Action: Update Received

4. Neighborhood Improvement Update

Presenter: Reginald Buie, Neighborhood Improvement Manager

Mr. Buie presented an update regarding Neighborhood Improvement Report.

Items updated and reported on include NC Foreclosure Prevention Fund, Weatherization Program, Matching Grant Program, Sign Topper Program, Yard of the Month, Litter Sweep and numerous HOA meetings attended.

Action: Report Received

5. Economic Update

Presenter: Lin Jones, Finance Director

Mr. Jones presented a monthly Economic Update.

Outlook for Garner follows:

Property Tax Collections

Property tax collections (not including vehicle taxes) thought February 29, 2012 and 2011

	<u>Y/E 6/30/12</u>	Y/E 6/30/11
Total Collections	\$13,842,166	\$13,983,489
Collection percentage	98.04%	97.32%
Total	\$2,977,226,403	\$2,995,423,438

Property Tax Values Billed

2011-12 Property tax values billed through March 3, compared to budget

	<u>Y/E 6/30/12</u>	<u>Y/E 6/30/11</u>
Real Property	\$2,532,933,247	\$2,519,418,137
Personal Property	216,342,522	254,503,481
Public Service Property	73,569,802	75,237,723
Vehicles	171,099,887	161,445,008
Total	\$2,993,945,458	\$3,010,64,349

2011 Property tax valued billed through January 1, compared to budget

	<u>Y/E 6/30/12</u>	<u>Y/E 6/30/11</u>
Real Property	\$2,532,933,247	\$2,525,000,000
Personal Property	216,342,522	240,000,000
Public Service Property	73,569,802	75,000,000
Vehicles	171,099,887	190,000,000
Total	\$2,993,945,458	\$3,030,000,000

2011-2012 Sales and Use Tax Revenue

Sales and use tax revenues representing five months collections were as follows:

\$ 2,169,521
\$ 2,179,491
\$ \$

Decrease in collections \$ (9,970)

Percentage decrease (0.46%)

Budgeted decrease (based on actual 2010-11 revenues) (2.16%)

Sales tax collections to date and budget to date are as follows:

Collections to date	\$ 2,169,521
Budget to date	\$ 2,125,002

Collections to date under budget to date \$ (44.519)

Action: Report Received

6. Economic Development Update

Presenter: Tony Beasley, Economic Development Director

Mr. Beasley provided an update regarding Economic Development in Garner.

Addressed in this report were Wake County prospects since July 1, 2011, which were broken down by industry. Local activity to include Purple Elephant, GSA and the ConAgra location being shown to seven prospective clients was updated. Garner trends were reported from NAI Carolantic Regional Update and the Home Builders Association of Wake County. Wake County Building Permit graphs were also presented.

Action: Report Received

5. Triangle Expressway Update

There was a lengthy discussion regarding issues surrounding the Red and Orange Routes.

Action: None

D. ADJOURNMENT

Motion: Mayor Pro Tem Johns Second: Council Member Behringer

Vote: Unanimous

The meeting was adjourned at 10:54 PM

Respectfully submitted,

Kimberly A. Moffett Deputy Town Clerk

Town of Garner Town Council April 2, 2012

The Garner Town Council met in regular session at 7:00 P.M. on Monday, April 2, 2012 in the Town Council Meeting Room

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE - Council Member Kennedy

INVOCATION - Council Member Kennedy

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Council Member Kennedy requested that Item I-3, Solid Waste Contract to be discussed after the CONSENT section of the agenda.

Mr. Watkins requested an item be added to Old/New Business regarding discussion of a contract with Troutman Sanders Strategies and Dawson and Associates to help avert any problems with the study of the Red Route during the 2012 Legislative Session.

Motion: Marshburn Second: Johns Vote: Unanimous

PRESENTATIONS

 Parks, Recreation and Cultural Resources Department Activities and Highlights Presented by: Stephanie Shaffer, White Deer Park Program Supervisor

Ms. Shaffer relayed the success of the Eggstravaganza that was postponed until April 1st due to the weather. She announced some upcoming events: John Brown Quintet at the Garner Performing Arts Center on April 13, 2012 and the Big Sweep and Litter Sweep on Saturday April 21. She presented photographs from the many activities at White Deer Park.

 Commercial Property of the Month, Raleigh Orthopedic, 1325 Timber Drive East. Presented to: Karl Stein Executive Director

CONSENT

Minutes from February 21 and February 28, 2012

Action: Adoption of Minutes

Wake County Tax Report, January 2012

The Wake County Board of Commissioners has approved non-cash rebates in the amount of \$2,975.16 for taxes from 2004 to 2011. These actions occurred in the period from January 1 to January 31, 2012 and are presented for approval.

Action: Approval of Tax Releases

Motion: Singleton Second: Johns Vote: Unanimous

END OF CONSENT

Contract for Solid Waste and Recycling Presented by: Rodney Dickerson, Assistant Town Manager

The current solid waste and recycling contracts are set to end on September 30, 2012. The contracts have provisions that permit the Town Council to extend them with the existing contractor instead of going out for bid. Staff presented information at the March 27, 2012 Work Session assessing the performance of All Star Waste Services, LLC over the last 2.5 years and the potential cost savings of an extension. All Star Waste Services, LLC provided written proposals for a 2-year and a 5-year extension. Staff recommends the Town of Garner execute a 5-year extension.

Action: Authorize Change in Solid Waste Detailed Specifications to allow 5-year extension; Authorize Execution of a 5-year Contract Extension with All Star Waste Service, LLC

Motion: Singleton Second: Kennedy Vote: Unanimous

Public Hearing on Comprehensive Growth Plan Amendment, CGP-12-001, Pabst & Hilburn, P.A

Presented by: Brad Bass, Planning Director

Pabst & Hilburn, P.A. is requesting a change in the current designation of Neighborhood Core (NC) to allow neighborhood-oriented retail uses with restrictions. This text amendment is to add the Community Retail District (CR) with restrictions to the matrix of recommended zoning districts in the *Comprehensive Growth Plan* for Neighborhood Core Areas.

This amendment is requested in support of an application for rezoning and site plan approval. Please see Staff Report for: CUD-Z-12-02 and CUP-SP-12-03 for additional background information and analysis.

Mr. Bass presented the following staff report:

History of the Comprehensive Growth Plan & Purpose

The Comprehensive Growth Plan was adopted in September 2006 to replace the 1989 Centennial Long Range Plan. The Plan provides a long-range vision for land development and redevelopment opportunities, community infrastructure decisions, and community image. Furthermore, the Plan uses nodal theory of urban development as the primary land-use model for guiding future growth. Development activity centers of different sizes and land-use intensities are designated throughout the community with the intent to guide future land development decisions by community decision makers. The two primary activity centers identified in the Plan are Neighborhood and Community Centers. Regional Centers and Employment Centers are also used by the Plan and designate the most intense land-uses in the community.

Existing Comprehensive Growth Plan Map Classification (Rezoning Site)

According to the Town of Garner Comprehensive Growth Plan, the 2.8-acre rezoning site is designated as a Neighborhood Core (N18) at Benson Road (NC 50) and New Bethel Church Road. The Neighborhood Center is designed to serve the daily needs of the surrounding residential population. These centers are pedestrian scaled with a limited mixed use area at the center. At the core, generally located at the intersection of minor arterials, is an area of mixed-use development with neighborhood scaled convenience retail/service, schools, professional offices, churches, civic functions, formal open spaces and higher density residential.

The Neighborhood Core has the following criteria and recommendations.

- \bullet 1/8 mile radius around major & minor thoroughfare intersections
- Approximately 40 acres
- CBD, NC, O&I, NO, MF-1, MF-2, MXD, TND, PUD, and R-9 zoning districts
- A density of up to 9 dwelling units per acre
- \bullet 50% of the core area (approximately 20 acres) residential
- 50% of the core area (approximately 20 acres) non-residential
- 25% would be office (10 acres)
- 25% would be retail (10 acres)

Recommended zoning districts for the Neighborhood Core include: CBD, NC, O&I, NO, MF-2, MF-1, MXD, TND, PUD, and R-9.

Proposed Amendment

Under this proposed amendment, there is no change to the Neighborhood Core designation for intersection of NC 50 and New Bethel Church Road. Instead, the applicant is requesting an amendment to the text guidelines for a Neighborhood Core Area as follows:

- 1. Add the Community Retail District (CR) with restrictions to the list of recommended zoning districts within the Neighborhood Core. Currently, Neighborhood Commercial (NC) zoning is the highest-level commercial district recommended for a Neighborhood Core. This text amendment would be listed on the "Land Use and Design Matrix" in the Comprehensive Growth Plan.
- 2. The second part of the amendment proposed by the applicant is to add the following footnote to the Land Use and Design Matrix.

A use permitted in the Community Retail zoning district is appropriate in the Neighborhood Core provided:

- the particular use has frontage along a major thoroughfare;
- the use is no larger than 10,000 square feet of heated area;
- the principal building is at least 250 feet from an existing single-family detached dwelling structure;
- the use incorporates neighborhood-oriented site and building design standards such as providing a building entrance facing at least one public right-of-way, providing a plaza or open space, and providing sidewalks connecting the use to sidewalks along the public right-of-way and; convenience stores with gasoline sales permitted in the Community Retail zoning district is appropriate in the Neighborhood Core if outside amplified music and any accessory car wash activities are limited to the hours between 5 am and 11 pm.

SURROUNDING ZONING & LAND USE (FROM REZONING SITE)

North: R-12 C125, Centennial Park site

South: R-40, Undeveloped

SB C8, Water Treatment Plant

East: R-9 C124, Glens at Bethel

West: R-40, New Bethel Baptist Church

Staff Commentary

The applicant proposes to develop a 2.8-acre portion, at the southeast corner of Benson Rd (NC 50) and New Bethel

Church Road, into a convenience store with fuel sales and an accessory car wash. There are 3 applications associated with this request: a Comprehensive Growth Plan amendment (CGP-12-01); a rezoning petition (CUD-Z-12-02); and a site development plan (CUP-SP-12-03). The site is currently zoned R-40. The lowest-level commercial zoning district that allows convenience stores with fuel sales is Community Retail (CR). The CR district is not recommended for the Neighborhood Core under the current quidelines of the Comprehensive Growth Plan.

Regarding the text change above, the first decision that will need to be made is whether or not the CR District is an appropriate zoning district for Neighborhood Core Areas. The proposed development plan is for a 24 hour convenience store operation with fuel sales. Currently this use is allowed only in the CR, SB, I-1 and I-2 zoning districts. Our research shows that there are "convenience store with fuel sales" uses at several existing Neighborhood Cores. All of these uses were in place prior to the adoption of the Comprehensive Growth Plan. Most are smaller scale stores with limited fuel stations.

Convenience store with fuel sales at other Neighborhood Core Areas

N6 at US 401 & Old Stage Rd (Circle K -county jurisdiction-zoned R40-W)

N15 at Aversboro Rd and Poole Dr (Webb's - use is zoned CR)

N16 at Benson Rd and E Garner Rd (Handee Hugo - use is zoned SB)

N17 at Benson Rd and US 70 (Webb's Minimart -use zoned CR)

 ${\tt N19}$ at Benson Rd and Rand Rd (Swift Creek Minimart -use zoned

CR)

N20 at White Oak Rd & Ackerman Rd $\,\,$ (White Oak Mart -use zoned NC)

Fuel Sales Only (no store)

N2 at Timber Dr and Aversboro Rd (Lowes fuel sales-use is zoned CR)

The second part of the text change proposes to include a footnote with restrictions for CR Districts in Neighborhood Core Area, here are a few observations.

- 1. A building square-footage limitation is appropriate as large "big box" CR uses would be out of scale in a Neighborhood Core. The community must decide if the proposed 10,000 square foot limit is an appropriate cap for a Neighborhood Core Area. The proposed development plan (CUD-SP-12-03) shows a 6,558 square-foot building (Sheetz).
- 2. The language regarding "the principal building is at least 250 feet from an existing single-family detached dwelling structure" applies to all existing single family residential uses but does not apply to existing multi-

family or vacant residential lots or tracts.

- 3. Under the proposed "frontage along a major thoroughfare" standard, all Neighborhood Core areas would qualify, with the exception of Neighborhood Core # 12 (N12) located at New Bethel Church Rd and Hebron Church Rd. Both roads are minor thoroughfares.
- 4. Staff and the applicant had several conversations about the appropriate scale and size of convenient stores in Neighborhood Core Areas. The applicant elected not to propose restriction on hours of operation or making significant reductions in the number of fueling station. However, after the Planning Commission meeting the applicant added the following "a convenience store with gasoline sales permitted in the Community Retail zoning district is appropriate in the Neighborhood Core if outside amplified music and any accessory car wash activities are limited to the hours between 5:00 a.m. and 11:00 p.m.

The community will need to decide if the proposed restrictions for CR Districts are appropriate for Neighborhood Core Areas in terms of scale and intensity of uses in areas recommended for limited retail services.

The Comprehensive Growth Plan recommends 50% of the Neighborhood Core area be non-residential with a split between 25% office and 25% retail. For this core, non-residential acreage would be up to 20 acres, with up to 10 acres available office development and up to 10 acres available for retail development. Currently there is no non-residential development at this Neighborhood Core Area. The proposed development of 2.8 acres for retail (Sheetz) would be within these suggested acreage guidelines outlined in the Comprehensive Growth Plan.

RECOMMENDATION

The Council will need to take action on the Comprehensive Plan amendment prior to voting on Rezoning Application CUD-Z-12- 02 and Site plan Application CUP-SP-12-03.

The Planning Commission reviewed this matter at its February 13, 2012 meeting and recommended approval of the Comprehensive Growth Plan amendment as presented. Staff did not recommend approval of the amendment based upon the belief that additional restrictions were needed to make the CR District an appropriate zoning classification for Neighborhood Core Areas.

End of Staff Report.

Mr. Bass added that a protest petition was received today, signed by 161 people. In terms of rezoning, the petition is an expression of opposition; however does not qualify as valid because it would have had to be submitted two days before the public hearing.

Council Member Singleton asked if staff's recommendation had been presented at the Planning Commission meeting. Mr. Bass said he talked with the applicant about concerns. The applicant did not wish to reduce the hours and the number of fueling stations. Mr. Bass said he does not feel a 24 hour operation at that scale is appropriate for this area.

Council Member Marshburn noted that if this is approved, it applies to any of the core areas. He said he feels a density with a little scale and intensity in the development would be more appropriate.

Council Member Kennedy asked if staff made a request to reduce the number gas pumps. Mr. Bass said the applicant is proposing some conditions that reduced the fuel stations. Mr. Kennedy asked if a little less intensity might have allowed for staff approval. Mr. Bass said staff is not against a text amendment change, but with certain conditions; he expressed his concerns from the beginning and the applicant has made some modifications.

Regarding the protest petition, Council Member Marshburn asked if it is deemed unofficial on the lack of timeliness. Mr. Bass said in addition, they named all three requests. According to NC law a protest petition is allowed for zoning requests. Even though it is not valid, it is still an expression of opposition.

Mack Paul, representing the applicant, said he appreciates staff efforts in this order. The request looks at certain circumstances in a neighborhood core and tries to tailor to those locations. Mr. Paul said there are a number of places on the grounds that are community uses. He presented a map which shows the growth plan. There are seven of fourteen gas stations; two are 24 hour operations. This amendment will bring those into conformity. This amendment says that in certain locations CR use may be appropriate if you meet neighborhood principles. A number of the areas are located on major thoroughfares. This amendment can be used as a quide if you apply restrictions. You could have community use in these areas with those guidelines. Staff has concerns regarding hours of operation and he feels that can be addressed in the rezoning and CUP applications. He requested the Council approve the amendment.

Mayor Williams closed the public hearing and called for a motion.

William Anderson, Town Attorney suggested the chair rescind closing of the public hearing and receive comments from anyone that has signed up to speak.

Mayor Williams rescinded the closing of the hearing; the hearing remained open.

James Carver, 412 Arbor Green Drive. He said he looked at this and as written, many types of retail are allowed in the neighborhood core. This amendment to the plan will allow that

scope to get much larger. This project will be 250 feet from a home; he has concerns about the closeness to this home.

Kathy Taylor, 172 Valley Cruse Circle. She expressed her concern with the 24 hour operation being located 650 feet from a residence. She reported that 6% of robberies are convenience store robberies; the risk is much higher on 24 hour operations which is the highest rate of murders second to taxi drivers. This operation will allow beer sales near a church. This is already a busy intersection and will increase the traffic they already feel. When she bought her home, it was zoned R-40 and near the Lake Benson area with a pond and park; it is a beautiful area. Regarding the Timber Drive Overlay District restrictions, she noted those are for commercial areas. This site would be located 650 feet from the entrance to their subdivision. She said this is not the quality of life she was looking for when they moved here. A huge gas station like that should be closer to White Oak Road or Timber Drive. She asked that the Council consider these concerns.

Elmo Vance, 140 Valley Cruise Circle. Mr. Vance also serves as Chair of the Planning Commission. He said he argues the approval of the this text amendment by the Planning Commission. He said the map presented by Mr. Paul showed those stations preceded the new Comprehensive Plan. This site is located near two parks. You have over 160 names that do not think this is appropriate area for this type use. There is nothing wrong with comprehensive growth plan; is it in the public interest. He said he feels change will allow extremely active uses and is precedent setting for other similar operations that will come on the back of this to try to do the same thing. He strongly recommends denial of this amendment to the comprehensive growth plan.

Mr. Bass said the final matrix included in the Council's agenda was not presented to the Planning Commission. Mr. Vance noted that he recused himself from voting on this matter. Mr. Bass said that the Commission received a report and requested the Council receive the matrix in their report to show how this change would affect the Comprehensive plan.

Council Member Singleton asked for a raise of hands of people that lived in the Glens of Bethel subdivision and opposed this request. Approximately 50 people stood.

Mack Paul said the staff report was presented to the Planning Commission; the applicant made the decisions to reduce the number of gas pumps after the Planning Commission's recommendation.

David Jenkins, 131 Durham Lane. He said he was the first homeowner in the Glens of Bethel neighborhood. He said there was never mention of a service station to be located in that area. He said he worked for 35 years in a chemical plant and has seen above and below ground leaks. There is a park across the street and water treatment plant down the road. He said he invested a lot of money in his home. He is against a service station in his "front yard."

Jermaine Callums, 143 Valley Cruise Circle. He said was told by real estate agents this project will not add any value to the property. When bought the home, he did not anticipate service station there. Mr. Paul said the project has a neighborhood feel, but he disagrees. This type of operation tempts children to go across the street when parents are not home. The traffic volume will be much higher. Sheetz said this is a prime area. He asked the Council to think of property value and child safety.

Josh Mauney, 4716 Swordfish Drive. Mr. Mauney said he wanted to strongly urge the Council to vote in favor of the proposed zoning change that would allow for this new business. Mr. Mauney said he has lived in Garner since the age of 11 and recently relocated a business to Garner. He said in his opinion this store would provide a much-needed economic boost to the area by creating new jobs and adding millions in taxable property value to the town and county tax base. He said he personally travels this section of Highway 50 every business day and knows this would be a welcome addition to an area that does not currently offer a safe and convenient alternative for fuel and food. He said the site has been looked at by many businesses for years, and it is his opinion that this property will be commercial development sooner rather than later, regardless. He said Garner is an up-and-coming community and, as such, we must all work together to support positive economic development by embracing well-run and extremely reputable businesses like Sheetz.

Beverly Vance, 140 Valley Cruise Circle. Ms. Vance said she is speaking against the plan from standpoint of the speaker saying it will bring economic development. She is concerned that we are allowing an outside entity to tell the town what is best for the town when a growth plan has already been established. She said she doesn't think we want to impact a number of neighborhoods.

Donald Crumpler, 1120 New Rand Road. Mr. Crumpler said he owns property at the corner of NC 50 and Rand Road. He operates a family owned convenience store with three employees. He said the store is open seven days a week from 6:00 AM to 10:00 PM, Saturday from 7:00 AM to 10:00 PM and Sunday from 8:00 to 10:00 There is not a lot of business early in the morning and he does not see the need for a 24 hour operation. In a close proximity, there are 3 BP stations, a BJ's that sells gas, a Marathon, grocery stores and restaurants. He disagrees with the comment about unmet needs. He said this business does not need to be located near a park; a better location would be US 70, Timber Drive or White Oak Road. Mr. Crumpler said that Mr. Gerhart (representing Sheetz), says they will provide 40 jobs. Mr. Crumpler said having the business there would put others out of business; not just stores in the area, but places where they purchase their goods. Mr. Gerhart said he is not opposed to Sheetz, but doesn't feel this is the right location.

Council Member Singleton said the existing businesses in the core area now pre-existed both of the town's comprehensive plans.

With no additional comments, Mayor Williams closed the hearing.

Carol Hutchison, Vice Chair of the Planning Commission gave their recommendations. She said the Commission members received the presentation from staff. As the discussion continued on the feeling at the time is there were other gas stations that had been grandfathered in and someone asked why convenience store not included in the plan. Considering that there were already stations operating in the town and this was another use of community retail, it too would be looked at by staff. With that said they decided to go ahead and recommend approval of the proposed amendment. The discussion tonight as to whether or not this was good for the community came under the rezoning and site use.

Council Member Marshburn said no one has spoken unfavorably against the Sheetz Company. He said he can't vote for the recommended text change; he is not convinced we should go back and redo that designation. Also he is not convinced that this is the time and place to make this change and he will not vote to approve the text change.

Council Member Singleton said he is concerned we are going from most intense zoning. He keeps hearing reference to existing stores and said three are in the ETJ and built 30 to 35 years ago. He noted staff concerns and said if this is approved; it would affect all areas with this designation.

Council Member Behringer said she agrees with Council Member Singleton's remarks. The size and scale of the building is overwhelming. Regarding the condition to control noise, this is easier said than done. Centennial Park is right across the street from the site and she is concerned about children; they move very fast. There will be intense traffic issues there. We have a comprehensive growth plan established and the public trusted the Council to protect it.

Council Member Kennedy said this is difficult for him because there is recommendation from the staff and the Planning Commission. The approval of the growth plan had an impact; if there is going to be a change, staff wanted more restrictions than what was approved. Council Member Kennedy said he would like to see this go back for review by staff to determine if there is a need to amend the neighborhood core; that makes it easier to address subsequent issues. He said there is adequate time to get some of those issues clarified.

Council Member Johns agreed with the other Council members adding he is concerned with safety of children and the potential for them to run across the street from the park. He said we don't need to lose a child for a cup of ice cream or a soda; safety is one of the great issues. He said if there was ever a gas leak, there is a water system downhill from this site.

Motion: Marshburn Second: Singleton

Vote: Unanimous

Action: Request denied because the addition of a Community

Retail District to the Neighborhood Core is not in the

best interest of the Town of Garner.

Conditional Use Rezoning and Conditional Use Site Plan, CUD-Z-12-002 (C163) and CUP-SP-12-003, Sheetz, Inc.

Presented by: Brad Bass, Planning Director

Mayor Williams asked the Council Members to disclose any exparte communications they may have had with anyone regarding this request.

Council Member Kennedy said he has had several people try to start a conversation, but after he explained that he could only discuss the Comprehensive plan.

Council Member Behringer reported she had the same situations.

Hearing no others, Mayor Williams read a statement explaining the quasi-judicial procedures related to the Conditional Use Permit application. Once read, he asked for anyone that wished to speak or provide testimony to come forward to receive the oath.

Receiving the oath: Brad Bass, Jenny Saldi, James Gerhart, Mack Paul, James Carver, Kathy Taylor, Elmo Vance, Beverly Vance, David Jenkins, Jermaine Callums, Josh Mauney, David Crumpler, Justin Mullarkey, Michael Birsh, Horace Tart, Dan Papst, Ronald Stephenson.

Mr. Bass presented the staff report as follows:

Pabst & Hilburn, P.A. is requesting a change in zoning from the current designation of Residential 40 (R40) to Community Retail (CR) (C-163). A companion conditional use site plan request for a gasoline station with retail sales is accompanying this rezoning request. The site is located at the intersection of New Bethel Church Road and NC 50.

Conditional Use Rezoning, CUD-Z-12-002 (C163)

GENERAL DESCRIPTION

Contrast Between Existing and Proposed Zoning

The existing zoning district is Residential 40 (R-40). This district allows single-family lots of at least 40,000 square feet (.92 acres). Properties zoned R-40 is typically in areas where municipal services are not readily available. Under this zoning, the 2.8-acre rezoning site could accommodate approximately 3 single-family lots.

The zoning proposed for the 2.8-acre site is Community Retail Conditional Use 163 (CR C-163). This district allows a range of commercial activities. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

The following is a list of permitted uses in the CR C-163 district. Prohibited uses are highlighted below.

- 1. Townhouse or Condominium
- 2. Upper-Story Residential
- 3. Community Center
- 4. Library, museum, art center
- 5. Other Community service
- 6. Lodges and fraternal clubs
- 7. Adult Day Care
- 8. Day Care Center
- 9. Business School, college or university satellite (prohibited)
- 10. College/university (prohibited)
- 11. Trade/vocational schools (prohibited)
- 12. Music, dance art instruction (prohibited)
- 13. Funeral home crematorium (prohibited)
- 14. Ambulance, rescue squad, police, fire station
- 15. Government office
- 16. Hospice (prohibited)
- 17. Hospital (prohibited)
- 18. Medical Clinic (prohibited)
- 19. Mental Health facility (prohibited)
- 20. Group Care Facility (prohibited)
- 21. Handicapped Institution (prohibited)
- 22. Intermediate care institution (prohibited)
- 23. Cemetery
- 24. Parks, swimming pools, tennis courts, golf courses
- 25. Religious institutions
- 26. Minor utility, elevated water tank
- 27. Telecommunication facility (prohibited)
- 28. Bars and nightclubs (prohibited)
- 29. Private golf or country club
- 30. Private gym, spa, indoor tennis, pool
- 31. Indoor entertainment facility (prohibited)
- 32. Movie Theaters (prohibited)
- 33. Bank, financial institution
- 34. Medical office, individual
- 35. Other office
- 36. Bed and breakfast
- 37. Hotel and motels (prohibited)
- 38. Commercial Parking (prohibited)
- 39. Restaurant, indoor with seating only
- 40. Restaurant with drive-through window
- 41. Restaurant take out only or walk up
- 42. Convenience store without fuel sales
- 43. Convenience store with fuel sales
- 44. Repair oriented use indoor only

- 45. Personal service use indoor only
- 46. Hair and beauty salons
- 47. Sales oriented use (indoor operations only)
- 48. Veterinarian/kennel indoor
- 49. Vehicle service-limited (prohibited)

Proposed site and development restrictions for the CR C-163 district are as follows.

- 1. No building shall exceed 10,000 square feet in heated area.
- 2. No more than one double-bay of parking may be located between the principal building and the public street right-of-way.
- 3. No building shall exceed 35 feet in height or two stories.
- 4. At least one building entrance must face the public street right-of-way.
- 5. No use with a drive-through window shall be permitted.
- 6. The lighting fixtures used on the underside of any canopy must be flush with the underside of the canopy.
- 7. At least two sides (defined as an exterior building wall measured 9 feet in height from the finished floor elevation of the ground floor) of the principal building located on the property shall have a minimum 20% glazing or transparency.
- 8. The side of any principal building facing a public street shall be articulated to a minimum of six inch depth or relief a minimum of every forty feet of building length.
- 9. The exterior walls of any principal building located on the property shall consist of at least 70% masonry material, such as brick, excluding that area associated with windows and doors.
- 10. A maximum of six gasoline dispensing units with no more than a total of 12 fueling positions are permitted on the property.
- 11. Any gasoline pump canopy shall be situated so that the side of the canopy with the shortest length shall face the primary public street right-of-way that adjoins the property.
- 12. The hours of operation of any outside amplified music or accessory car wash associated with a principal use shall be limited to the hours between 5:00 a.m. and 11:00 p.m.

Note: Conditions 10-12 were added by the applicant after the Planning Commission meeting.

The site is also located within the boundary of the Swift Creek Conservation Overlay District. However, this site is exempt from the overlay's regulations. When the overlay was put in place as a result of the Clayton / US 70 bypass project, the Town was able to exempt certain locations within the overlay, and these exempt areas are

primarily focus areas or activity centers on the Comprehensive Growth Plan.

The overlay district provides regulations to protect the water quality in this watershed by requiring limits on the amount of impervious surface areas permissible for new residential and non-residential development.

- 1. New single family detached residential subdivision development projects shall be limited to a maximum of 30% total impervious surface area.
- 2. New multi-family residential development projects defined to include townhomes, condominiums, apartments, or other attached multi-family housing units as determined by the Planning Director, shall be limited to a maximum of 50% total impervious surface area.
- 3. New non-residential development projects shall be limited to a maximum of 70% of total of impervious surface area.

Because this rezoning site is located within an activity center that is exempt, the above restrictions do not apply.

SUMMARY OF ZONING REQUEST

The rezoning site is 2.8-acres but it is part of 2 larger tracts zoned R-40. The applicant is proposing to develop the 2.8-acre portion into a convenience store with fuel sales and a car wash. They are requesting a zoning change to CR C-163 with zoning conditions proposed. The applicant has submitted a companion conditional use permit site plan application; see CUD-SP-12-03. Also submitted is a text amendment to the Comprehensive Growth Plan (CGP-12-01) to add CR-Conditional Use District to the list of appropriate zoning districts for a Neighborhood Core. The rezoning change is contingent upon approval of the Plan amendment. And the conditional use permit is contingent upon approval of the rezoning change.

SURROUNDING ZONING & LAND USE

North: R-12 C125, Centennial Park site

South: R-40, Undeveloped, SB C8, Water Treatment

Plant

East: R-9 C124, Glens at Bethel

West: R-40, New Bethel Baptist Church

NEIGHBORHOOD CHARACTER

This area of the community is predominately rural currently, however it is expected transition to a suburban character in the future. Public water and sewer has been extended to the area, opening it up for development. About half of the properties in this area remain rural in nature and undeveloped but that is changing. The major developments in the area are Centennial Park, Glens at Bethel subdivision (102 proposed lots), and Sutton Springs subdivision (92 proposed lots). Both residential subdivisions were approved in the last 7 years.

ZONING HISTORY

Our records show the following zoning cases in this vicinity.

Case	Applicant	Location	Zoning Change
CUDZ-87-04	Curtis Dail and Harold Bagwell	Centennial Park site	NB* to SB C7
CUDZ-87-05	Norwood Adams	NC 50 (Water Plant)	R-40 to SB C8
CUDZ-93-04	Henry A. Thompson	New Bethel Church Road	R-40 to R-5 C44
CUDZ-03-02	Henry A. Thompson	New Bethel Church Road	R-40 to R-5 C119
CUDZ-04-02	Horace Tart	Glens at Bethel	R-40 to R-9 C124
CUDZ-04-03	Town of Garner	Centennial Park	SB C7 to R-12 C125
CUDZ-06-10	Matthew Sutton	Sutton Springs	R-40 to R-15 C144

*NB was Neighborhood Business under the previous Land Use Ordinance. It is comparable to Neighborhood Commercial (NC) under the current Unified development Ordinance.

INFRASTRUCTURE

Public water and sewer service is available to serve the property. The site plan (CUP-SP-12-03) shows a proposed connection to the public water line along New Bethel Church Road. Sewer connection is proposed be a short main extension to the Glens at Bethel Subdivision. All connections are subject to the Town's Utility Allocation Policy.

TRANSPORTATION

The 2.8-acre rezoning site has approximately 421 feet of frontage along Benson Road (NC 50). Benson Road is a 2-lane facility with a 100' right-of-way. It is maintained by NC DOT and is classified as a Major Thoroughfare by the Garner Transportation Plan. The Average Daily Traffic (ADT) volume is 18,000 vehicles per day (according to 2009 NCDOT counts). The Garner Transportation Plan recommends a future road cross-section of 4 lanes with a center turn lane for this portion of NC 50.

The 2.8-acre rezoning site has approximately 362 feet of frontage along New Bethel Church Road (SR 2703). New Bethel Church Road is a 2-lane facility with a 60' right-of-way. It is maintained by NC DOT and is classified as a Minor Thoroughfare by the Garner Transportation Plan. The Average Daily Traffic (ADT) volume is approximately 3,100 vehicles per day (according to 2009 NCDOT counts). The Garner Transportation Plan does not suggest any future road widening for New Bethel Church Road; however the UDO requires road widening to meet the Town collector street width standard with curb/gutter and sidewalk installation. A Traffic Study was required as part of the CUP-SP-12-03 site plan application and will be reviewed in the site plan portion of the Staff Report.

ENVIRONMENT

There are no environmental features on the 2.8-acre rezoning site (creeks, wetlands, flood plain).

STAFF COMMENTARY

Conformity to Adopted Town Plans

According to the Town of Garner Comprehensive Growth Plan, the rezoning site is designated as a Neighborhood Core (N18) at Benson Road (NC 50) and New Bethel Church Road. The Neighborhood Center is designed to serve the daily needs of the surrounding residential population. These centers are pedestrian scaled with a limited mixed use area at the center. At the core, generally located at the intersection of minor arterials, is an area of mixed-use development with neighborhood scaled convenience retail/service, schools, professional offices, churches, civic functions, formal open spaces and higher density residential.

Recommended zoning districts for the Neighborhood Core include: CBD, NC, O&I, NO, MF-2, MF-1, MXD, TND, PUD, and R-9.

The requested zoning change from R-40 to CR C163 is not consistent with the recommendations of the *Comprehensive Growth Plan* for this area of the community. The applicant

has filed an application to amend the growth plan (see CGP 12-01 for more information).

Because the site will connect to public water and sewer, an annexation petition will be required. Approval of the CUP site plan application is contingent on the approval of this rezoning request and the long-range plan amendment.

Conditional Use Site Plan, CUP-SP-12-003, Sheetz, Inc.

The applicant proposes a 6,558 square foot convenience store on a 2.83 acre site. It is a one story building 18 to 24 ft. in height with a one bay car wash is nearly 13 ft. in height. The Gas canopy is 24 feet wide by 164 feet long with a height of 20 feet.

Building Material and Color:-The primary building material is a red-brown brick with a three foot base of gray-brown stone. Accents are provided with a red pitched standing seam metal roof peak, red flat metal canopies over entrances, red canvas awnings over windows and red metal coping along the parapet. Dark bronze window and door frames along with dark brown metal roof screen, downspouts and gutters complete the building. False windows are proposed along the north, east and west sides; currently graphic panels are proposed behind the glass.

The carwash is proposed with the same red-brown brick and red metal details. A row of large glass panels and glass entrance and exit doors allow visibility into the carwash.

The gas canopy picks up on the three foot stone base to wrap around the dark bronze metal columns and is capped with a four foot red metal canopy.

Landscape and Buffer Requirements:

The plan as proposed meets the requirements of the Landscape Ordinance.

Tree cover requirements are met with proposed vegetation. Trees have been oversized to meet tree cover requirements but will have an immediate impact on the site due to their size.

Street buffers for New Bethel Church Road and NC 50 are shown as required, 15 feet. Fifteen foot street buffers are also required along the east and south borders adjacent to the access road; the plans must be adjusted to reflect this requirement.

Overhead power lines run along NC 50 require the street tree to be a Yoshino Cherry which is also used along New Bethel

Parking Spaces: 35 parking spaces required (restaurant & convenience store)

43 parking spaces proposed (2 are handicapped accessible)

Floodplain: This site does not contain a FEMA designated floodplain.

Fire Protection: The plan, as proposed, meets fire code requirements.

Building Sprinklered: No

Number of fire hydrants provided on-site:-1

Number of fire hydrants within 300 feet of the building:-2

Required fire flow: -2250 gpm Provided fire flow: -2600 gpm

Water/ Sewer:-Connection to an existing water main along New Bethel Church Road is proposed. Extension of a public sewer main to serve the site is proposed. Construction Plan approval is required prior to installation.

Street Access/ Sidewalks:A private access drive is proposed adjacent to the east and south borders of the site. The private drive connects to New Bethel Church Road and to NC 50. Two driveways off this private drive are proposed to serve the site.

Road widening with curb and gutter construction is proposed along the site's frontage with NC 50 will provide right and left turn lanes to the intersection of New Bethel Church Road.

Road widening with curb and gutter construction along the site's frontage with New Bethel Church Road will extend the current configuration of left and right turn lanes at the intersection down to the entrance to the new development and the park entrance.

A left turn lane on New Bethel Church Road is provided at the site driveway.

Sidewalk is shown along road frontage for both New Bethel Church and Benson Roads.

General Comments:

The services provided by this development include a 24-hour convenience store with gasoline sales, as well as, low flow auto diesel fuel with the intent to serve the surrounding neighborhoods and to capture existing pass-by traffic. Twenty-seven (27) inside seats and patio-type

outside seating support the store's food offering. The 24-hour car wash is a single-bay automated facility with blowers that are completely housed inside the wash.

The applicant submitted a Traffic Study for review by NC DOT and Garner staff. The purpose of the study was to evaluate traffic impacts to the surrounding transportation system created by the project and to recommend road improvements needed for the project. study estimates 80% of the trips will be from NC 50 and 20% from New Bethel Church Road. The study estimates over a 24 hour approximately 7600 total trips will be generated. Most trips will pass-by diverted (63% in AM Peak and 66% in PM Peak). New net trips generated by the development are estimated to be approximately 2800 trips over a 24 hour period. The capacity of the intersection of NC 50 and New Bethel Church Road was analyzed. Under build-out conditions with planned roadway improvements in place, the LOS during AM Peak will be about same as it The LOS will decrease slightly during the PM Peak when compared with current conditions. NC DOT has reviewed the Traffic Study and the proposed road improvements including driveway locations. NC DOT has no issues with the project as proposed.

This project is subject to nitrogen water quality requirements only, as well as water quantity requirements. A bio-retention area is being used to satisfy nutrient reduction requirements. The bioretention area will reduce the nitrogen export from the site to below the 10 lbs/ac/yr limit. An offset payment to the North Carolina Ecosystem Enhancement Program will be required to reduce the nitrogen export down to the baseline target of 3.6 lbs/ac/yr. Detention of the peak runoff to preexisting conditions for the 1 year and 25 year storm will be accommodated in a separate underground storm water detention facility. It is noted that storm water runoff from the immediate site leaves the site at two separate areas. The runoff leaving the smaller area is not detained whereas the runoff leaving the larger area is over detained such that the net peak runoff leaving the site, as a whole, is reduced to pre-developed condition.

Design Guidelines and Master Sign Plan - This is the first commercial development for the southeast corner of this intersection. Should future commercial development be proposed for the remaining tract, design guidelines and a master sign plan shall be required. This development will set the standard for building material and colors, signage, lighting and landscaping.

Consistency with Adopted Town Plans and Policies:

This site falls within the Neighborhood Core at NC 50 and New Bethel Church Road; the development will be consistent with the Comprehensive Growth Plan provided

Plan Amendment CGP-12-01 is approved. The development will not be consistent with Comprehensive Growth Plan if the Plan amendment is not approved.

This project, as proposed, is consistent with the Thoroughfare Plan.

This project, as proposed, is consistent with the Parks and Greenway Plan.

This project, as proposed, is consistent with the regulations of the Unified Development Ordinance if the property is rezoned to the CR District. If the property is not rezoned to the CR District the project will not be consistent with the Unified Development Ordinance.

The applicant filed amendment to the <code>Comprehensive Growth Plan</code> to amend the Land Use and Design Matrix to include the CR District with restrictions as a recommended zoning district for a <code>Neighborhood Center</code> (see GCP 12-01 <code>Staff Report</code>).

The amendment is needed in order for the conditional use rezoning application to be consistent with the Comprehensive Growth Plan.

End of Staff Report

Council Member Kennedy asked if NC Department of Transportation recommended any changes to the traffic signal. Mr. Bass said that there were minor recommendations and their traffic engineer is present to explain those changes.

Mayor Williams called upon the applicant's representative, Mack Paul. For clarification, Mr. Paul asked if opponents will speak on the rezoning matter before moving to the Conditional Use Permit. Mayor Williams said he may speak regarding the rezoning and the conditional use permit.

Mr. Paul began by speaking about the rezoning matter. Mr. Paul said there has been lots of discussion with respect to views of the neighbors. He would like for representatives of Sheetz to be allowed to tell their story. Mr. Paul explained that Sheetz looks carefully at any location they go to and gave an explanation as to how much thought went into looking at this location. There has been lots of effort along the way in terms of working with staff on conditions that mirrored the Timber Drive Overlay District such as outdoor patio; relocation of the building; quality building materials; pedestrian linkage; eliminating drive through, which was a pretty significant restriction; lighting and other impacts. It all came down to hours of operation and the number of pumps. We will address staff's concerns regarding hours those matters.

Jamie Gerhart said he has worked with Sheetz for twelve years. The company is growing and investing time and energy to find best locations. It is a family owned business and the third generation comes to work each day; we take everything we do very

seriously. We control our destiny with location. Mr. Gerhart said they pay in the 90th percentile of similar establishments and will hire 40 employees. He said they are growing in this area and typically do food, gas and coffee under one roof. They are a convenience store and restaurant. He asked that instead of looking at Sheetz as a 6500 square foot facility, he asked that you look at is as a restaurant with a convenience store attached. This site is a neighborhood center with a population of around 2,000 people and more coming. Based on the Comprehensive Growth Plan, this area calls for commercial activity at this intersection. Sheetz has been recognized as one of the best places to work in North Carolina. Each store averages 32 employees with a range of full time and part time benefits. Sheetz sponsors community events. Mr. Gerhart said he recognized that the store is a little big for this intersection. Sheetz has a no loitering policy and provides crime prevention training. There are at least two employees over night; one has a panic button. There are 32 security cameras inside and out. They meet and in some cases exceed tank regulations, fire code and the landscaping ordinance. The investment is over \$3 million. Mr. Gerhart said he will be happy to answer questions and he has a host of experts to go through items in site plan.

Council Member Marshburn asked at what point you factor in opposition.

Mr.Gerhart said a majority of opposition is from the residents in the Glens of Bethel subdivision. Looking at the growth plan, they live exactly where they are supposed to live based on the definitions of the plan. In response to the neighbor concerns, we conducted a neighborhood meeting and have continued to tailor conditions on the site plan based on that feed back; however if it comes down to 24 hour operation, that is a major part of their operation. An eating area and landscaping was provided as recommended by staff, as well as a change in lighting.
Mr.Gerhart said over 400 cars travel this major thoroughfare between 11:00 PM and 1:00 AM.

Council Member Marshburn asked if there have been circumstances when the opposition is so great, that you have decided to look at another site. Mr. Gerhart said in seven years, this has not happened; they have been able to bridge gaps with any opposition.

Council Member Kennedy said he appreciates hearing the story and their attempts to deter crime. He asked while working with staff, was the only issue the hours of operation.

Jim Barbour, 412 Arbor Green. Mr. Barbour said the store is an eyesore. The other stores in the area are local and they are feeding the local economy. In talking with Sheetz folks, they gave us a week to organize a community meeting and everything they addressed, Sheetz ignored.

Donald Crumpler said he owns a convenience store at 1120 Rand Road at NC 50. He said he has security cameras and panic buttons. He asked how many of 400 stores are adjacent to a park.

Mr. Gerhart said there are no stores adjacent to parks. Mr. Crumpler said he is not opposed to Sheetz, he feels it is the wrong location. He said he did not think you need a convenience store next to a park and across from church.

Mack Paul said they have a number of people signed up to speak and he requested to have their group give all of the testimony at the same time. Mr. Paul said he did work for a store directly across the street from a high school. They met with the principal who had safety concerns with students going across the street during their lunch time. The principal wanted to be assured of safe ingress and egress. Efforts were made to comply and they did get support from the high school.

Michael Birch, 4350 Lassiter at North Hills, is an attorney with K.& L. Gates and a colleague of Mr. Paul. Mr. Birch wanted to present an overview and announced that Dan Pabst, Engineer of Pabst and Hilburn; Ronald Stephenson, traffic engineer with Ramey Kemp will present testimony; he presented a letter from Neal Gustafsor who is a real estate appraiser as an exhibit. The testimony will focus on the conditional use permit and will narrow in on the ten standards used for Conditional Use Permit approval.

Dan Pabst, representing Sheetz, thanked Mr. Bass and Ms. Saldi for their hard work and said there was a lot of consulting back and forth. This site does meet Unified Development Ordinance requirements for storm water and traffic; a traffic impact analysis was presented. He said they have proposed above and beyond what traffic analysis called for and in addition planned pedestrian connectivity. The site is located outside the water supply watershed, therefore concerns with water quality should not be an issue. There is a double walled gas tank; if the interior wall is ruptured, an alarm is tripped in the building. A spill prevention plan has been put into place. Sheetz has been proactive in mitigation of the impact to the neighborhood and they feel they have gone above board for street yard requirements along Benson Road. He said in his professional opinion this does meet UDO requirements.

Ronald Stephenson, representing Ramey Kemp, said he prepared the traffic impact analysis for the rezoning and site plan which was prepared in coordination with NCDOT and Town. He said two-thirds of the traffic would be generated by a use such as Sheetz. This operation can bring more trips to the area that other uses may not. With the number of pumps being reduced, the traffic impact will be reduced even further. Two driveways will be provided which allows circulation to the site and reduces some impacts to the intersection. The applicant will be required to widen New Bethel Church Road. Sheetz will build 4 of 5 lanes that would be an ultimate road section. He said in his opinion the site plan will adequately meet standards of traffic impacts as well as public safety.

Michael Birch. Following these comments, Mr. Birch said in addition to their facts which speak to most of the ten

conditional use permit standards, also referenced is the Comprehensive Growth Plan consistency although the Council did deny the plan amendment. Mr. Paul referenced a lot of the other policies in the comprehensive plan regarding the nodal development for neighborhood cores and our consistency with a lot of those provisions about neighborhood scale. Based on that and the testimony of Mr. Stephenson and Mr. Pabst, as well as the letter from the appraiser Mr. Neal Gufstison, who concludes the proposed use, will not injure value of adjoining or abutting property. To address Mr. Kennedy's request about the two remaining items which are the hours of operation and numbers of fuel pumps. They simply were taking the Timber Drive Overlay standards and imposing them on this site even though it is not zoned for the Timber Drive Overlay District. He said he wanted to highlight a few differences between Timber Drive and NC 50. NC 50 is a major thoroughfare 163 miles long; Timber Drive is 6.2 miles. NC 50 is more commercial in development; he said he does not feel it is appropriate to Timber Drive restrictions to this site and he feels this meets the 10 conditional use permit standards.

Horace Tart, 1817 W. Academy Street, Fuquay. He said he is the property owner of the property and purchased the property in 2004 spending several million dollars on the land and land improvements. Mr. Tart said he paid for the water line to go from Foxbury Drive down to NC 50 to New Bethel Church Road. At that time, the Town of Garner was trying to get water to Centennial Park so they tapped into the water line. The next problem was sewer, so he donated the sewer easement to Centennial Park and gave the Town of Garner access to sewer. Mr. Tart said from his investment, Garner has reaped a lot of benefits. The water and sewer line was connected to Sutton Springs and all of the subdivision tapped into his water line. He said he has spent a lot of money over there which has benefited the Town of Garner, but he has yet to benefit from it. Then the housing market went bust. The last two houses he built, one lost over \$80,000 and the other \$30,000. He has lost a total of \$3 million. He said no one wants to buy a house on NC 50. This land was zoned commercial when most of these people bought their homes. He said he felt those that didn't check it out didn't do their homework. The town needs to look at what this project do to the tax base and the number of jobs it will create. He asked the Council to look at the 24 hour operation. When it would be proposed to be closed, everyone would be asleep anyway. Traffic study shows movement during those times. He understands staff is against the 24 hour operation; however, without the 24 hour operation, Sheetz will not stay. He said the highest and best use is what the town designated it to be, not to remain as is and for him to go broke. He said something commercial will go there. He said he feels he has been slapped in the face, and has received no appreciation of what he does for this town. He urged the Council to please not turn this down; he can't keep holding on to this property.

Justin Mullarkey, 226 Commerce Street, Greenville. Mr. Mullarkey said he is in the commercial real estate business. This property

has been selected as a desirable site to several businesses. He wanted to sell this site to someone who would be concerned about the community and enhance this corner. He said he feels Sheetz is a superlative company that will make the best of this corner and he has never seen a retailer go to the extent this company has done. NC 50 is determined to be neighborhood core and a major thoroughfare and he feels the Town's vision was not and is not is not intended for residential. In the landowner's case, shouldn't he have the right to use this land. There are other gas stations in this area that he feels don't have the amenities of Sheetz. This is an opportunity that adds to the corridor of NC 50 with a taxable value of 860,000. A company such as Sheetz will be tax revenue to the Town and will employee 40 people. Sheetz is involved with the communities where they live. The Council is faced with a difficult decision. He asked to council to base conclusions on factual data rather than fears and emotions of change as you deliberate.

Elmo Vance, 140 Valley Cruise Circle. He said this request is inconsistent with Comprehensive Growth Plan. The traffic report and improvements will only benefit Sheetz. He said it is not that they don't want a Sheetz, but he feels there is a better place for this with its high intensity activity and does not feel it is compatible with a park or neighborhood. They are proposing 24 operations which he feels is a highway operation squeezed into a neighborhood core. Regarding tax base, it will bring in tax base that will reduce another. The type and tailoring of growth is important. Mr. Vance said Glens of Bethel names make a small portion of the petition. He recommended the Council deny this rezoning and site plan.

Beverly Vance, 140 Valley Cruise Circle said the issue is the 24 hour operation. She mentioned a store located in Fayetteville was asked by the City to cut back on their hours. She asked if there is another Sheetz located across from a park. She also asked if they have ever been rejected. She recommended the Council deny the rezoning and the conditional use permit for this situation.

Mack Paul said Mr. Gerhart would like to respond to some comments.

Mr. Gerhart said the time of the neighborhood meeting was suggested by the Town. Based on staff recommendations after first comments, they contacted the neighbors as soon as they could. Regarding compatibility with a park, Centennial Park has over 100 parking spaces and hosts Garner area soccer tournaments; this is not a neighborhood park. The panic button provides safety and helps employees and people in that store; it is the right way to do business. Mr. Gerhart said they don't have a store in Fayetteville. The one that Ms. Vance refers to is in Greenville. The City of Greenville asked them to reduce hours because that core in Greenville had a problem. In regards to criminal mischief, he said he would not recommend a store to Mr. Sheetz that he would not allow his daughter to work. Sheetz wants to make sure the area is safe for employees.

Jermaine Combs said he has heard many comments; taking out the emotions hasn't happened. There is a strong presence from Glens of Bethel. She has a safety concern regarding children.

Mr. Paul said the established plan does call for some retail use and asked what the Council felt was an appropriate use. He said he feels a good case was made that restricting hours doesn't make a lot of sense. There are a lot of soccer players that would go to sheets after a game.

Hearing no additional comments, Mayor Williams closed the hearing and asked for a recommendation from the Planning Commission.

Carol Hutchison, Vice Chair of the Commission said they voted unanimously to deny Conditional Use Rezoning and Conditional Use Site Plan, CUD-Z-12-002 (C163) and CUP-SP-12-003.

Council Member Marshburn said to approve this request would be asking Council to vote against the Town Staff and Planning Commission; as an elected official to represent citizens of Garner, he cannot in good conscience do that. As an elected official we must consider all testimony.

Council Member Kennedy said he is a strong proponent that if you have a site that is zoned and you know what is allowed, he feels like people in business are entitled to ply their trade consistent with rules in place. The primary reason for the motion to deny is the inconsistency in the Comprehensive Growth Plan. It was not because we don't like Sheetz, it was a tough debate.

Mayor Pro Tem Johns said he agrees with Council Member Kennedy. He asks Mr. Tart not to give up and he appreciates what he has done for the town. We will still do what we feel is best for Town of Garner.

Action: Request denied because it is not consistent with the

Town's Adopted Comprehensive Growth Plan and 1) it would likely lead to an unacceptable additional level of traffic, and 2) it would allow types of businesses at the described location which will not be

appropriate for the area in which it is located.

Motion: Marshburn Second: Behringer Vote: Unanimous

Action: Deny Conditional Use Permit application, CUP-SP-12-003

because the proposed use is not allowed as a permissible

use in the Residential-40 zoning district

Motion: Singleton Second: Marshburn Vote: Unanimous

Contract with Dawson & Associations

This is a Washington, DC based consulting firm made up of numerous former federal officials from US Army Corps of Engineers, EPA, US Fish & Wildlife, etc., is recommended by CAMPO, RTA, and others to assist in averting further study of the Red Route in accordance with NC Session Law from 2011. RTA will engage and pay the firm and the Town has agreed to pay an amount not to exceed \$35,000. This equals 50% of their projected hourly fees at \$400 per hour for 150 hours. Once their travel and other expenses are added, RTA feels like the 2-month engagement may total \$70,000.

Action: Authorize Mayor Williams to enter into agreement with RTA for reimbursement of costs incurred, not to exceed \$35,000, with Dawson & Associates related to service to avert further red route study in accordance with NC Session Law from 2011.

Contract with Troutman Sanders Strategies (TSS)

Troutman Sanders Strategies (TSS), a lobbying arm of the Troutman Sanders law firm has been contacted by the Town regarding services at the NC Legislature during 2012 to avert further red route study in accordance with NC Session Law from 2011. Initial payment for two months will total \$12,500\$ and any additional months of engagement will cost \$6,250\$ each.

Action: Authorize Mayor Williams to enter into agreement with TSS for lobbying services

COMMITTEE REPORTS - None

MANAGER REPORTS

- 1. Star Tracker
- 2. Enforcement Reports
- 3. Invested Funds

ATTORNEY REPORTS

COUNCIL REPORTS

Mayor Pro Tem Johns

- Some limbs from cut down trees at Oak Circle have been there for several weeks.
- At Carroll Drive and US 70 and Montague Street between Garner Road and Main Street, leaves have stopped up the drainage pipes.
- At Willow Vista Drive, there are still some pot holes near Garner Road.

Council Member Marshburn

• He is pleased to see the Town continue the recognition of educators in Garner.

Mayor Williams

 He reported the interview with Jane Ball regarding working with special needs children and the Foundation's educational scholarship will appear tomorrow on the PEG Channel and the Town's website.

ADJOURNMENT: 11:07

Motion: Behringer Second: Johns Vote: Unanimous

Town of Garner Town Council Special Meeting Minutes April 16, 2012

The Garner Town Council met at 8:30 a.m. on Monday, April 16, 2012 in the Council Chambers.

Roll Call: Council Member Behringer, Council Member Kennedy, Council Member Marshburn, Council Member Singleton, Mayor Pro Tem Johns and Mayor Williams

Staff Present: John Hodges, GRA Director; Lin Jones, Finance Director; Brandon Zuidema, Police Chief; Rodney Dickerson, Assistant Town Manager; Budget Analyst; Kady Everard, Management Analyst/Internal Auditor; Hardin Watkins, Town Manager; Rick Mercier, Public Information Officer; Sonya Shaw, Parks, Recreation & Cultural Resources Director and Tony Beasley, Economic Development Director

The meeting was called to order by Mayor Williams at 8:34 a.m.

Mr. Watkins began the meeting by offering a brief background and reason of meeting. He then introduced representatives from Davenport & Company.

Davenport & Company representatives Ted Cole, Mitch Brigulio and Bob High were present. They provided all council members a presentation packet of discussion materials. Mr. Cole started the presentation by outlining the goals and objectives. Mr. Brigulio continued the presentation and went over the materials page by page. Items discussed included; existing debt, capital needs and funding scenario, proposed debt cases, debt affordability analysis, and introduction of a "savings plan".

Some of the topics for lengthy discussion included future demands for improvements and the need to "look down the road" and ensure that funds are available without having to go to residents for tax increases. Council Member Singleton reminded everyone of the \$25 million dollar bond referendum that passed in 2000 with no real issues; however, he has concerns that at this time some folks might not see the current proposed projects as necessary. Also discussed was timeline necessary to get bond referendum set up.

In-depth discussions continued and it was agreed that additional conversations needed to take place at the April Work Session.

Council Members stated their appreciation for all the hard work that went into the presentation and further stated that it was very informative and very well prepared.

The meeting was adjourned at 10:45 a.m.

Respectfully submitted,

Kimberly A. Moffett Deputy Town Clerk

Garner Town Council April 17, 2012 Meeting Minutes

The Garner Town Council met in regular session at 7:00 p.m. on Monday, April 17, 2012 in the Town Council Meeting Room.

- **A.** CALL MEETING TO ORDER The meeting was called to order by Mayor Williams at 7:00 p.m.
- B. PLEDGE OF ALLEGIANCE Council Member Marshburn
- **C. INVOCATION** The invocation was offered by John Meacham, who is serving as the Interim Pastor at Mt. Pleasant Presbyterian Church.

D. PETITIONS AND COMMENTS

Mr. Randall Johnson addressed the council to share his thanks and appreciation for all the work that has gone into the GPAC. He has truly enjoyed all the new programs and shows. He also stated that Debbie Dunn is doing a great job.

E. ADOPTION OF AGENDA

Motion: Johns Second: Kennedy Vote: Unanimous

F. PRESENTATIONS

1) Proclamation for Children's Tumor Foundation Awareness *Presented to*: Heather Wray, Children's Tumor Foundation

Ms. Wray thanked the council for this proclamation. She also stated this was the very first proclamation received in the State of North Carolina. She invited everyone to join the Children's Tumor Foundation Walk, which will be held on May 5, 2012 at Lake Benson Park.

2) Proclamation for Relay for Life "Paint the Town Purple" Day *Presented to*: Dana Clay, Garner Relay for Life Committee Member

Council Member Singleton presented the proclamation to Dana Clay on behalf of the Garner Relay for Life Team Captain. Ms. Clay accepted the proclamation and thanked everyone for their support of this very important event. She shared additional information about the Garner Relay for Life event that will start at 6:00 p.m. on April 27 and end at 10:00 a.m. on April 28. This event will be held at Lake Benson Park.

3) Residential Property of the Month, Glen and Jann Sorrell, 4723 Forestdale Road, Greenbrier Subdivision

Presented by: Reginald Buie

Mr. Buie presented this award to Jann Sorrell. He stated the landscaping at this home is some of the most beautiful he has seen and thanked Ms. Sorrell for adding to the beauty of our community. Ms. Sorrell thanked everyone for the award.

4) Commercial Property of the Month, Ditch Witch, Travis Wilkey, Co-Owner *Presented by*: Reginald Buie

Mr. Buie presented this award to Travis Wilkey of Ditch Witch. Mr. Wilkey thanked everyone for the award and said he was very appreciative of it. He also thanked his employees for all the hard they put into maintaining the landscaping.

5) NC3C Award for the Scotty McCreery "American Idol" homecoming at Lake Benson Park on May 14. The award was for first place winner in the category of Most Creative Event for Least Money Spent *Presented by*: Mayor Williams and Rick Mercier

Presented to: Sonya Shaw, Parks, Recreation and Cultural Resources Director

Rick Mercier gave background on this award. He stated that the community really stepped forward when the Scotty Homecoming Event was being planned. There were a total of \$53,000 cash donations, \$8,000 in-kind donations and the Town contributed \$8,100 for the event. Mayor Williams presented the award to Sonya Shaw. Ms. Shaw accepted the award and shared appreciation to the entire community and town staff for all the hard work and dedication that went into this event.

G. CONSENT

1. Minutes from the March 5 and March 20, 2012 Meetings

Action: Adoption of Minutes

2. Contract for Riverbirch Stormwater BMP Retrofit

The Town solicited bids for the construction of storm water BMP at Riverbirch Townhomes. Three bids were received with the low bid from Narron Contracting in the amount of \$26,100. The Engineer's estimate was \$26,875 and other bids received were \$26,445 from James Bobby Currin and Sons and \$55,200 from Sandhills Contracting. Having worked with Narron Contracting on several projects, staff recommends award of the project to Narron Contracting in amount of \$26,100.

Action: Authorized Contract to Narron Contracting in the amount of \$26,100

3. Ordinance Amending Operating Budget for 2011 – 2012

This ordinance amendment provides funding for expenditures to avert study of the Red Route. The Town's cost of \$35,000 will be shared with the Regional Transportation Alliance for services provided by Dawson & Associates in the amount of \$35,000. Troutman Sanders Strategies lobbying services is projected to cost \$12,500. Both contracts were approved by the Council at the April 2, 2012 meeting.

Action: Adopt Ordinance No. (2012) 3660

Motion: Kennedy Second: Marshburn Vote: Unanimous

H. OLD/NEW BUSINESS

1. Resolution Adopting the New Rand Road Initiative *Presented by*: Reginald Buie

This resolution supports Town staff's plan to establish the New Rand Road Initiative. Town staff will begin proactive enforcement to address concerns regarding health and safety, property values and other quality of life issues. The area is along New Rand Road extending from U.S. 70 east to Timber Drive.

Mr. Buie shared a brief background of the initiative and also provided an overhead map of the initiative. Mr. Buie stated other neighborhoods previously involved in initiatives included Woodland North, School Acres, Central Garner, Malibu Valley, Van Story Hills and Sunset Hills.

Motion: Marshburn Second: Behringer Vote: Unanimous

Action: Adopted Resolution No. (2012) 2124

2. Main Street Sidewalk Project Options

Presented by: Rodney Dickerson, Assistant Town Manager

At the March Work Session, the consultant presented three options for the Main Street sidewalk project. Each option included different streetscape elements and Opinions of Probable Construction Costs (OPCC). Council directed staff and the consultant to prepare an additional option that would include adding the brick furnishing zone to Option 3 for further review.

Two project options, which are described below, were offered:

Option #1 – Replace Sidewalk

Est. Cost \$111,888

- Replace damaged curb and gutter on south side of Main Street
- Remove existing sidewalk and replace on Main Street between Purvis & Griffin Streets (existing Brick Furnishing Zone remains)

- Replace damaged curb and gutter on south side of Main Street
- Remove existing sidewalk and replace on Main Street between Purvis & Griffin Streets
- Remove existing brick and add new 5 foot Brick Finishing Zone

Motion: Marshburn Second: Behringer Vote: Unanimous

Action: Proceed with Option #2

3. Town of Garner Social Media Utilization Updated

Presented by: Rick Mercier, Public Information Officer

Mr. Mercier provided an update regarding social media efforts and presented data illustrating the reach of the social media and website.

Action: Receive Update; No Action Needed

I. COMMITTEE REPORTS

J. MANAGER REPORTS

- 1. Star Tracker
- 2. Planning Commission
- 3. Financial Report for March 2012
- 4. Hardin introduced Kady Everard. Kady is the new Management Analyst/Internal Auditor.

K. ATTORNEY REPORTS

Requested to discuss Town's negotiating position regarding real estate, specifically, Francis/Irving lots at US 70. This closed session is pursuant to N.C.G.S. § 143-318-11(a) (5).

L. COUNCIL REPORTS

Council Member Kennedy

- Requested Update on recent meeting with YMCA.
- Requested update regarding Rotary lunch meeting today. Mr. Coble and Mr. Matthews attended the luncheon.

Council Member Singleton

• Reported that the YMCA after school programs and track out programs recently brought 300 children to Camp Seafarer and of those 300 that attended 88 were from Garner.

- Complimented Paul Ray on the great job done regarding several properties that had been reported to have tall grass. All those properties have now been maintained.
- Was concerned about extra cover sheets now being included in agenda packet.

Council Member Johns

• Wanted to be sure we are on target for the Pancake Breakfast next week.

Council Member Behringer

- Reports that the 300 block of West Garner Road to the 200 block needs mowing attention.
- Requested that Inspections checkout location at the southeast corner of West Garner and Yeargan Road, it appears some edges and soffits are crumbling.
- Reports a house on the northeast corner of West Garner Road has some deterioration along the roof line.
- Requested update regarding timeline of 70/40 road improvements. Mr. Powell stated the plans were submitted to DOT this week.
- Recently attended Grand Opening for Vintage 13 Salon, Opening Day for Baseball Leagues and also attended jazz concert at the GPAC.

Council Member Marshburn

- Reports a possible water draining problem at the New Rand Road Extension. Water runs across the road and pools. It is of particular concern during the winter when this sitting water turns to ice.
- He recently has done some traveling and met with the Mayor from Ruston Louisiana which is a town similar in size to Garner.
- Reports that Dr. Michael Walden will be the guest speaker at Rotary breakfast tomorrow morning. Invited all to attend.

Mayor Williams

• Reports the Towne Players will be presenting Father of the Bride.

At this time there was a brief discussion regarding budget preparation sessions. Mr. Dickerson provided all council members with a calendar of budget preparation meetings and dates. It was agreed that additional discussion regarding dates for special budget work sessions would be discussed at the April Work Session.

Mr. Beasley stated the RTP State of the Region will be held on May 24, 2012 at the Sheraton Imperial. The event will begin at 7:00 a.m. and will run until 10:00 a.m. Mr. Beasley stated if anyone was interested in attending, please let him know and he will get everyone registered.

Closed session is pursuant to N.C. G.S. §143-318.11(a) (5) to discuss with attorney possible real estate acquisition and the Town's negotiating position regarding such real estate specifically, the Francis/Irving lots located at US 70.

Motion: Singleton Second: Johns Vote: Unanimous

Return to regular session.

Motion: Kennedy Second: Johns Vote: Unanimous

M. ADJOURNMENT

The meeting was adjourned at 9:07 pm

Respectfully submitted,

Kimberly A. Moffett Deputy Town Clerk

Town of Garner Town Council Meeting Agenda Form

Agenda Form Meeting Date: Monday, May 7, 2012 Town Council Planning Retreat Report & Minutes, 2012 Location on Agenda: Consent Department: Administration Contact: Judy Bass Presenter: N/A Brief Summary: This is the presentation of the 2012 Town Council Planning Retreat Executive Summary and detailed minutes. Recommended Motion and/or Requested Action: Adoption of Report & Minutes Detailed Notes: The Executive Summary was prepared by Donna Warner, UNC School of Government. The minutes were compiled by Town Clerk Judy Bass utilizing her notes and notes from from multiple attendees. These will be important historical and reference documents for the Town. Funding Source: N/A One time • Annual • Cost: N/A Manager's Comments and Recommendations: These documents will help Town staff move in the proper direction in 2012 and future

These documents will help Town staff move in the proper direction in 2012 and future years regarding priorities, capital planning, and policy direction. These documents are also important for the public to review in order to gain knowledge about Town priorities and projects. They will also establish a baseline or measuring stick for measuring progress. Adoption of both documents is recommended.

Attachments Yes	No C	
Agenda Form Reviewed by:	Initials	Comments
Department Head	Enter Initials.	Enter Comments.
Finance Director	Enter Initials.	Enter Comments.
Town Attorney	Enter Initials.	Enter Comments.
Town Manager	HW	Enter Comments.

Town Clerk	JB	Enter Comments.

Town of Garner 2012 Town Council Planning Retreat

Executive Summary

Prepared by: Donna Warner, UNC School of Government

Adopted: _____

Town of Garner 2012 Town Council Planning Retreat February 9-10, 2012 – Quorum Center, Raleigh, NC

Attendees

Council/Staff Attending: Mayor Ronnie Williams; Mayor Pro Tem Jackie Johns; Council Members Behringer, Marshburn, Kennedy and Singleton; Hardin Watkins, Manager, Rodney Dickerson, Assistant Manager; William Anderson, Town Attorney; Brad Bass, Planning Director; Lin Jones, Finance Director; Frank Powell, Town Engineer; Sonya Shaw, Parks, Recreation and Cultural Resources Director; Brandon Zuidema, Police Chief; John Hodges, Garner Revitalization Director. Facilitator: Donna Warner, UNC School of Government

Others: Maurice Williams, CEO, Local Government Federal Credit Union; Ellis Hankins, Executive Director, League of Municipalities; Barry Driver, Garner Chamber of Commerce; Vic Bell representing the Triangle Area YMCA and Griffin Laughridge, Chairman, Garner Revitalization Association.

Attachments: Attachment 1, Garner Capital Improvement Projects from 2011 Retreat; Attachment 2, Capital Improvement Projects 2012 Analysis; Attachment 3, Criteria to Guide Capital Investment Decisions 2011, Architectural services for Town Hall, Policy For Building Financial Capacity, Manager's report for key staff initiatives for 2012 – 2013; Garner Town Council Vision, 2008 – 2009; memo regarding dates for possible bond referendum

Retreat Purpose and Goals

- 1. Create a capital improvement plan for 2012-2017
- 2. Determine how to fund the plan and determine need for and size of a possible bond referendum
- 3. Create action plans to determine and guide our actions in 2012 2013 and beyond

Retreat Process

- 1. Identify challenges town government faces in creating and sustaining Garner.
- 2. Discuss how proposed capital investment projects might assist with meeting these challenges.
- 3. Identify criteria that should guide capital investment.
- 4. Apply investment criteria to proposed capital projects to identify investment priorities.
- 5. Identify key principles and considerations that should guide staff in moving forward with any capital investments.

Getting Started

- Welcome and opening remarks Mayor Williams
- Overview of retreat purpose and process facilitator

Expectations and Concerns

Council members and staff identified what was important about the retreat and why they cared. Members responded as follows:

- Synthesize council thoughts
- Want to leave with collective, realistic expectation to do what we plan for.
- Give staff direction for short and long term. Unique opportunity to work as a group with staff. Clearer policy for staff to follow; allow manager to give clear direction
- Provide focus / commitment to big picture not distracted by shiny / sparkly
- Assist council in making decisions
- Gather info and exchange ideas, long range planning for future
- Have a plan but be flexible to adjust to change; prepare for the future
- Establish priority listing to guide operations and goal setting
- Want to direct growth not be drug along by it; want to see a plan and action. We need to continue our good financial standing. Think beyond what is "safe."
- Staff to understand what council priorities are so we can make it happen

What will make this retreat a success?

- Unified consensus on capital projects. Prioritize and set funding method
- Clear and concise goals on what to try and fund
- Leave here with no more than three projects identified and a way to fund them.
- Be realistic in terms of financial capacity and follow through
- Capture some vision of what is down the road, not just this year or the next three years. If not us, who? If not now, when?
- Success will be determined by results down the road, not necessarily immediate impact.
- Challenge is to positively manage growth. Our focus should not / cannot be on growth but on managing it
- We can control growth, but the economy will impact it. We need to be positive
 and develop something that is an asset to the community. Things that will bring
 jobs and people.
- Other communities have little or no room for growth (ex: Raleigh and Morrisville). We still have room to grow. Our challenges are different from other communities. We have issues with developing infrastructure in our growth areas. We need to enhance our identity.
- Need to be flexible to adapt to change. We may/ will deviate from any goals.
- Agree with need for flexibility but it is said the best predictor of the future is past behavior. We expect future growth through educated projections and should operate on the premise that growth is coming.
- Need to look beyond just the first three priorities to be prepared to continue this in the future. Look at 20 years, not just five.

Need top priorities and others in the lineup to know what to keep working on.
 Always be looking to the next project while working on "this one"

Celebrate success

1. Review what was accomplished last year
Hardin Watkins, town manager, gave a brief overview of the 2011/12 CIP project with
emphasis placed on completed projects (see attachment #1)

2. What did you do as a board that contributed to the success?

The board members discussed their ability to collaborate and consider the needs of the citizens. Council recognizes how they are perceived by the community is a factor in their overall effectiveness. Council tends to avoid personal agendas – willing to disagree publicly but respect one another and seek to work through issues for consensus.

Reaffirming the Council's Vision for Garner

Council and staff divided into small groups to answer the following questions: Question 1: Looking ahead over the next 5-10 years, what would you add or change to create, sustain or enhance the Garner you want to live in?"

Group One

- Focus on needs of community
- Continue to build sidewalks
- Improve town hall facilities
- Make a decision about the community center
- Improve school facilities
- Sustain school assignments
- Continue volunteerism to sustain community
- Continue orderly growth

Group 2

- Municipal complex / public safety facility
- Community center
- YMCA
- Commercial development
- Additional park land
- Greenways and sidewalks continue to build new and connect
- Develop financial savings plan to accomplish these goals

Group 3

- "All of Garner matters"
- Embrace high density development
- Support locally owned businesses
- Create incubator spaces

- Create atmosphere for Gen Z and Millennial keep the youth here
- Continue to embrace arts
- Community center / SERL in North Garner
- Support sustaining steady growth
- Garner as the "one" to be like to emulate
- If bonds approved, issue them and use them

Group 4

- Make it a mindset not just a project supported by policies, actions, results.
 Mindset of positive, high wage quality jobs, rising, desirable, inviting and appealing
- Focus on Town's vision as an emerging regional presence, strategically planned, engaged and involved citizens, honoring values, professional town services.
 "Hometown"

Group 5

- Healthy living community safety / walkable / cultural activities
- Attract and maintain good tax base
- Plan the "right" type of growth
- Keep Garner an "employer of choice" treat employees right, facilities
- Engage community and citizens

Group 6

- Development: Town Hall, library, Con Agra and community center
- Enhance cultural arts
- Use Transportation Plan and transit to guide future growth
- Create a financial plan for capital improvement
- Progress on North Garner

Question 2: What has happened in the last year that has changed the vision for Garner?

- Timber Drive opened
- 70 / White Oak commitment / investment (including CAMPO funds)
- Water / sewer purchase
- Library discussions
- Scotty American Idol
- Con Agra / GEDC
- Transit Plan
- Red Route defeated
- HDGP purchases of property
- CIP Actions
- Census
- Schools improvement committee

Question 3: What are the new issues/challenges facing town government that alters the picture of Garner you created last year?

- Library
- Revenue Finance
- Transit
- Con Agra
- YMCA Community Center
- Growth
- North Garner / HDGP
- Schools
- Town Hall facility

Connecting capital projects and Garner's future

Update on progress. Hardin Watkins reported there is unanimity among staff that the highest need is facilities. See attachment 2 for listing.

Members suggested projects to be added, modified or deleted

1. Facilities and town hall expansion: Council agreed serious attention should be paid to the facilities and Town Hall expansion. Hardin Watkins informed commissioners there is \$50,000 set aside in FY'12 for professional / architectural / planning services to do a conceptual study and to develop pictures to see ideas will work. Staff will work with architect to identify square footage needs including reviewing Smith Stinnett planning studies and assessing what is available on / adjacent to the Town Hall complex. Smith Stinnett estimate for new building and land was \$11 million, likely lower for this project. Watkins recommended hiring a consulting attorney to lead Town through design selection and hiring of a design architect for whatever is built or renovated. The scope of work to include existing studies as well as looking at existing Town Hall and other available buildings beyond existing campus (library, 3 Rex buildings in shopping center – possibly re-oriented to field.

Timeline:

- Complete scope of work for planning architect by March 1st
- o Mid-March select conceptual planning architect
- April 1 architect working
- June 1 planning and conceptual design work complete; present to council
- June 1 meeting approval
- August 5 approve design architect
- Mid-August design architect working
- o January 1, 2013 schematic design complete
- June 1, 2013 major design work complete / construction documents in hand
- August 1 utility approvals
- October 1 contracts complete
- o October 1, 2014 construction complete

- 2. Concern all potential applicants being able to access the Internet for a strictly online application process. Are we eliminating some section of applicants?
- 3. Consider GEDC a "replacement" owner for the ConAgra property could take 3-4 years before the "right" candidate is found for the property.

DAY TWO

Selection of Capital Improvement Project Priorities

The council members and department heads worked in breakout groups to evaluate the capital projects. Each group identified projects and prioritized based on drivers, restraints and consequences of not funding.

- Why might we invest in this project, what would we hope to accomplish, what forces are driving us towards this goal?
- Why might we not invest in this project, what concerns do we have, what forces are holding us back?
- What are the possible consequences of not investing or delaying the investment?

	Priorities	Ranking	Estimated cost
1	Renovate municipal complex	(Council 1.0 / Staff 1.0)	\$6.5-\$11 million
2	Build indoor recreation facility	(Council 1.0 / Staff 1.33)	\$2.8-\$5 million
3	Improve highway 70 corridor – Morris to 50	(Council 1.17 / Staff 1.5)	\$10-\$12 million
4	Consider YMCA proposal	(Council 1.5 / Staff 3.83)	Unknown
5	Implement DHGP	(Council 1.83 / Staff 1.83)	\$5 million
6	Build sidewalks	(Council 2.0 / Staff 1.83)	\$2 million
7	Acquire land and develop greenway	(Council 2.33 / Staff 3.0)	\$2 million
8	Improve parks	(Council 2.5 / Staff 2.83)	\$4.6-5 million
9	Continue neighborhood improvements	(Council 2.5 / Staff 1.5)	\$1 million
	TOTAL		\$34.3-43 million

Funding options

- 1. To fund \$35 million it would be \$3.2 million in debt service per year over 20 years either through a tax increase or reduced spending
- 2. Use fund balance. Balance is currently \$6.9 million over 30% Town policy minimum (52% actual fund balance)
- 3. Raise revenues by \$2.5 million from Con Agra
- 4. Issue bonds:
 - Timing for bonds.
 - Consider November 2012 with elections there will be a high turnout because of elections for President and Governor. Will be more expensive to "get message out" on bond – could be good or bad.
 - March July 2013 (April?) Just Garner on ballot (no real external factors)
 - October 2013 with school elections (school board elections, Raleigh Mayoral race
 - Recommend hiring an external consultant for polling in community (cost <\$5,000)
- 5. Borrow funds. Debt service on \$1million is approximately \$100,000 (5% loan)
- 6. Increase fees
- 7. Reduce spending in annual operating expenses
- 8. Raise taxes
 - a. Concern over "negative reaction to a 3-4 cent tax increase if it is what people vote for. Reminder: council not voting to implement a tax just to put this issue on a ballot and let the citizens vote on the issues and the accompanying tax increase.

Decisions reached

- 1. The board asked Hardin Watkins and Lin Jones to work with Davenport and come back to them with the following:
 - a. Estimates of actual costs of items on the capital improvement project list.
 - b. Potential timeframe to develop a plan
 - c. Suggestions for how to package the items for a bond referendum
 - d. Recommendations for improvement projects to remove from the list
 - e. Estimates of the tax rate increases and debt service costs necessary to fund the projects
 - f. Information about how a savings plan may be used to offset the tax rate increase
 - g. Recommendations for how to use the Town's fund balance to finance some projects and the impact on the other numbers/efforts.
- 2. The board discussed issuing debt to finance the first three items on the list and then add others down the line.
- 3. The board will consider a bond referendum for November 2012.
- 4. Invite Donna Warner to facilitate a discussion of capital project priorities once the information is received from Davenport.
- 5. Initiate discussions with the YMCA regarding bringing a facility to Garner.

Next steps

	Item	Date	Staff lead
1	Initial meeting with Davenport	Early March	Watkins/Jones
2	Presentation to council	Late March	Watkins
3	Refined numbers to council	Late March	
	 a. GPAC/Recreation facility 		Shaw
	b. HDGP		Bass/Hodges
	c. Municipal building		Watkins/Zuidema
	d. Highway 70 corridor		Powell

Barry Driver – Chamber of Commerce comments

Mr. Driver reported the Chamber recently gained 142 new business members in three day membership focusing on showing them the value of membership. The Chamber wants to be known for more than "Scotty's hometown" by focusing on business, value, and hometown feel. Mr. Driver thanked the council for their commitment to White Oak / 70 interchange improvements and encouraged them to attend Chamber meetings and events.

Attachment 1

Garner Capital Improvement Projects from 2011 Retreat

Updated February 5, 2012

Priority	Description	Status
1	Purchase additional water and sewer capacity	Completed
2	Improve Highway 70/White Oak Road intersection	Approved, funded, and in progress
2	Renovate and/or expand Town Hall	\$50,000 budgeted for architectural services, including analysis and planning – no action has been initiated
2	Invest in the Con Agra property	Sanford Holshouser consulting firm engaged via GEDC funds – report due by February 28. Likely to need for \$1-1.5 million for demolition – could be borrowed by GEDC from bank or Town using land as collateral. Salvage will offset some expense.
5	Improve auditorium	Partially funded. Minor items completed. Scope for major work needs further definition.
6	Improve Highway 70 corridor – lighting, landscaping, etc.	Transportation engineering firm has been authorized for planning. Capital funding need has not been finalized or appropriated.
7	Relocate Wake County library to Downtown Garner	Unfunded presently. It is likely Town's responsibility to complete land acquisition and some site improvements (including roads) to entice Wake

		County decision-makers.
8	Construct sidewalks	South Garner Greenway completed and opened.
		Don Miller Drive is designed and authorized.
		Transportation Plan identifies a comprehensive list and ranks each on established criteria.
8	Implement portions of Historic Downtown	HDGP accepted as a day-to-day
	Garner Plan	guide for decision-making.
		Opportunistic land purchases
		were authorized and completed.
		Connecting roads to Highway 70
		have been authorized for study by
		transportation engineering
		consultant.
10	Build community center	Unfunded
11	Acquire land for downtown park	Unfunded
11	Make improvements to parks around town	Unfunded

Attachment 3

Criteria to Guide Capital Investment Decisions 2011

1. Return on investment, generate revenue, increase tax base and create jobs

- Swing balance of commercial and industrial tax base versus residential
- Put forth projects with best return that can support those without return
- Create tax base and jobs invest revenues in other projects
- Retain businesses keep businesses in White Oak
- Gain from ConAgra take property and turn into something better.

2. Keep young people in Garner, create a place where young people will stay

- Role of government is to facilitate process of creating jobs work with public and private development.
- Quality of life Garner as a place of choice for all people.
- People want book store, cafeteria and community center
- Lacking in jobs ROI piggy backs on creating place to live work and play
- Maintain high level of standards to keep young here

3. Leverage other resources and spur economic growth and investment

- Jobs turning the dollar if we chose correctly matching dollars match desires with our resources – people volunteering
- Leverage to borrow from ourselves different way to borrow and invest
 Garner is going to grow as we grow need more parks
- Key work is resources human capital is a resource as well
- Try to involve corporate sponsors

4. Improve or maintain existing levels of service

- Town government has responsibility to provide services to its citizens basic things. Maintain minimum level
- We live in a dynamic area –be prepared to improve to keep in competitive state
- Town Hall is 40 years old need to provide for those who work for the town -
- Hard work shows we need to make sure they have what they need in budget and by way of facilities in the budget
- Public safety, fire, police, maintain resources of parks and all facilities that town has including public works— extending services to broader scope of people

5. Possible negative consequences of not investing or delaying investment

- Look down the road. If we stay where we are will fall behind. If we don't prepare for growth will not be able to provide services
- May not have strong public support be willing to look from all sides
- What you put off today may have consequences in the long run something has to die before it can live
- Lost opportunities lack of board resolve– loss of confidence by public in leadership let's be the one to move forward and get the first fruits

Architectural Services for Town Hall

\$50,000 was set aside during the FY 11-12 Budget for professional architectural and planning services for a Town Hall / Police Station renovation and expansion conceptual study and analysis.

The scope of work will include:

- looking at our existing space planning studies (from Smith Sinnett) and verifying their accuracy and merit;
- refine space studies (minor tweaks);
- looking at available existing buildings adjacent to current Town campus;
- analyze current Town buildings and unused Town land;
- match space needs with available space in current buildings and available adjacent buildings;
- gain understanding of Town's architectural preferences;
- prepare conceptual drawings that show options for matching needs with available land and buildings;
- present concepts and refine after gaining feedback;
- prepare cost estimates for construction planning; and
- lead Town through selection of design concept and ultimately help with selection of a design architect to prepare final design.

Value

- Can help with decision support (Ideas, Concept, Visualization)
- Help show Council & community pretty pictures and a realistic price tag
- Can conduct community charettes to build support & understanding
- Can help us solve our problem ours is mostly a space problem, but also maintenance and energy problem

What people we get?

Programming, project architect, visualization of concepts, cost estimating, building analysis by engineer, & site design (vehicle/pedestrian circulation)

<u>Timeline</u>

3/1/12	Compete scope of work for conceptual planning architect (CPA)
3/16/12	Select CPA
3/20/12	Council approval of CPA contract
3/27/12	CPA begins work
5/27/12	Planning & conceptual design work complete

5/29/12	Present concepts to Town Council for feedback/approval
6/4/12	Town Council approval of concept plan
6/5/12	Begin process to select design architect (DA)
8/5/12	Town Council approves selected DA – complete all internal approvals of budget,
	scope, etc.
8/13/12	DA begins work
12/13/12	Schematic design & design development complete
6/1/13	Major design work complete – construction documents ready for bidding
8/1/13	All approvals obtained
10/1/13	Construction bid process and contract negotiation complete
10/1/14	Construction complete – new facility ready to open

Staff Involved HW, FP, BZ

Building Financial Capacity

Ideas for Budgeting, Capital Improvement Financing, & Improved Stewardship of Town Resources

Town of Garner, NC
April 15, 2010
(Adopted Unanimously at April 20, 2010 Town Council Meeting)

Updated with achievements as of May 23, 2011 Updated with achievements as of January 12, 2012

- 1. Short Term Internal Budget and Management Initiatives
 - a. Identify and engage outside resources: ****
 - Become proactive and aggressive in pursuing grants to offset capital costs.
 - Police expect several sources of grant funding for new initiatives.
 - Partnered with GRA on several grant opportunities for potential Town center and road improvement projects.
 - Applied for federal Tiger 3 grant for White Oak/70 improvements (Town was not awarded funds in our 2nd attempt).
 - Applied for CAMPO funds for White Oak/70 improvements (Tentative positive recommendation from CAMPO staff for \$2.6 million grant).
 - Received \$250,000 for White Oak/70 improvements in Small Project Funds from NCDOT via Board Member Chuck Watts' discretionary allocation.
 - Hire temporary personnel or consultant (or both) to help accomplish the fiscal initiatives listed herein, particularly the grants items.
 - Town enlisted the services of an intern to assist with initial steps of Public Works accreditation process.
 - b. Complete an efficiency/optimization study that includes multiple elements: ***
 - Review all positions and eliminate non-essential personnel/positions.
 - Town Courier position is a luxury, especially in difficult economic times, in which services can be provided more efficiently by other means. Fleet Service Technician position eliminated. These roles were eliminated via RIF policy effective May 2011.
 - Eliminated receptionist and 2 building inspectors in FY 10-11.
 - 2 positions Urban Design Specialist (Planning) and Equipment
 Operator (Public Works) have been frozen indefinitely.
 - Town Manager has proposed elimination of IT Director position and replacement with a Management Analyst/Internal Auditor for a net cost savings of \$24,500.
 - Reorganize within or across departmental lines as practical to consolidate tasks and eliminate positions.

- The three largest Town departments (parks & recreation, police, and public works) have reorganized over the last few months to increase efficiency – savings = \$158,000 for FY 11-12.
- o Town continues to evaluate all vacancies on a case by case basis.
- Part-time administrative assistant in Town Clerk's/Town Manager's Office was eliminated in FY 11-12 Budget.
- Consider providing incentives for early retirements.
- c. Use bond capacity wisely and judiciously. ***
 - o Hired Davenport & Company as financial advisor.
 - Town staff in the process of seeking bond approval to fund major capital projects.
- d. Create the Expense/Revenue business model to help guide future decisions based on budgetary impacts. (An MPA/MBA grad intern would be great at this and that tool would help us years down the road.) ***
 - Parks and Recreation Department in the third year of a program budget with cost recovery as the basis for providing programs and activities.
 - Hiring of Management Analyst/Internal Auditor will enable meaningful progress on this task in FY 11-12. Recruitment is underway.
- e. Evaluate use of reserve funds to pay a part of the debt service in the first 5 years of the project life until the intended development produces the tax base to support the original investment. (LGC may not allow this strategy.) **
 - Davenport & Company have assisted with debt capacity model which includes use of reserves to fund debt service in initial years.
- f. Look for ways to further trim operational expenses Town-wide. (Consider a rewards system to encourage suggestions.) **
 - Human Resources initiated and coordinated an employee suggestion program that has generated some good ideas and small changes.
- g. Increase certain fees to generate additional income. *
- h. Maintain the code enforcement initiative in School Acres to improve/stabilize property values. Implement similar program in other areas as necessary. *
 - Neighborhood Initiatives in various parts of Town continue to bring favorable results that aid in the revitalization and stabilization of older neighborhoods (School Acres, Central Garner, Woodland North).
- Consider Tax Increment Financing for a defined, contiguous development boundary/corridor. (Perhaps a zone for Hwy 70 and WOSC and a separate one for the Main Street area) *
- j. Complete an analysis to determine if it is more economical to purchase computers and software than to lease same. The telephone system may also qualify but is less likely.
 - This study is underway by IT Department staff.
- k. Shop our benefits and insurance packages. '
 - Efforts of new insurance broker (IBA) has resulted in no increase in Town health insurance premiums with an increase in benefits to

- the employee savings of \$248,000 compared to last year's increase.
- Town will initiate a self-funded dental plan as a means to reduce costs and promote dental health as a determinant of overall health.
- I. Front end initial costs from cash reserves and repay through bond proceeds. '
 - Funding of White Deer Park with reimbursement by October 2010 bond issue.
- m. Explore feasibility of bulk fuel purchasing via Wake County, City of Raleigh, or State of NC.
- n. Study feasibility, workload implications, revenue potential, and costs/benefits of switching to a gross receipts based privilege license. △
 - Finance Director has completed initial analysis of gross receipts tax on businesses.
- o. Evaluate temporary freeze on all vacant Town positions. △
 - All vacant positions are evaluated by the Town Manager and Human Resources prior to re-filling. Positions that have reduced workload or that can be provided through other means remain frozen.

2. <u>Longer Term and External Initiatives</u>

- a. Make it a stated goal to move the residential/commercial tax base ratio from 60/40 to 50/50 or better. Follow through with appropriate code and policy refinements to encourage development and redevelopment, thereby increasing ad valorem as well as sales tax revenues. *
 - Town will be in a better position to influence this mix with the purchase of additional water/sewer capacity.
 - Completed break-even analysis using Warren & Associates to obtain hard data for decision-making.
- Maximize benefits of Main Street designation to actively seek grants to improve Downtown Garner. *
 - o Partnered with GRA on several grant opportunities.
 - o GRA achieved National Main Street certification.
- c. Actively seek donations, gifts, or discounted sale of property to offset our land costs for Town's various capital initiative needs. *
 - Town has been successful at acquiring properties at reasonable prices in order to further Town goals of revitalizing areas near existing Town facilities or expanding future services.
- d. Create an Overlay District (may be the TIF District) and rezone to promote and allow a higher level of development.
- e. Create an Incentive Development Plan for the Overlay District.
- f. As the law will allow, act as a developer to purchase and re-sell property at a later date and at the increased market value. Evaluate creation of special authorities to accomplish this tactic.

- Garner Economic Development Corporation (GEDC) formed to market and to provide the best use scenario for the redevelopment of ConAgra and to put the property back on the tax roll at the highest value possible.
- GEDC engaged consultant to develop strategy for ConAgra property.
- g. Effectively utilize GRA as an extra person (or key hire) to help achieve some of the tasks cited above.
 - GRA Director took the lead and worked hand in hand with Town staff to apply for several grant opportunities for Downtown Garner and adjacent areas.
- h. Encourage (push) White Oak Shopping Center to advance its development agenda in sync with Garner's major capital initiative and to produce a development plan from which Garner can project a cash flow model.
 - Town Attorney and two Council Members met periodically with landowner and other affected persons to review and consider options. Many ideas were discussed.
 - Formal agreement reached on White Oak/70 improvements to speed up development in corridor.
- i. Leverage possible Town road investments in the Highway 70/White Oak area to stretch capital dollars further (eg. 50/50 or 75/25 match).
- j. Evaluate and study "sports" as an economic generator. Complete a study that examines feasibility and determines reasonableness and achievability.
 - PONY brought regional youth softball tournament to Gamer with thousands of visitors to town.
 - o Tournament renewed for 2012 and beyond.
 - Exploring regional/national youth football tournament (Pop Warner).

External Partnering Initiatives

- a. Find opportunities to access Wake County parks matching funds.
- b. Develop Public / Private Partnerships: Industry; Developers; Medical; GRA; NCDOT; Wake County. (ConAgra Foods gift was a great beginning.)
- c. Identify, quantify and recognize the "investor's investment" as a means to entice the revenues by advertising the source.
- d. Gain Wake County's commitment/pledge for partnership funds for selected portions of Town's capital needs.
 - Serious and productive discussions underway with Wake County officials regarding partnership for a new SE Regional Library in Downtown Garner.
- e. Leverage ConAgra's \$3 million pledge to community center. Consider and evaluate merits of a capital campaign of other corporate entities in Garner to follow ConAgra's lead and donate funds towards community center.

KEY STAFF INITIATIVES FOR 2012-13

- 1. New agenda preparation procedure
- 2. Engage architectural service for municipal complex
- 3. Generate comprehensive capital needs program
- 4. Integrate new management analyst / internal auditor
- 5. Comprehensive risk assessment
- 6. Work toward new SERL
- 7. Review of break-even residential analysis
- 8. Refine the CIP process
- 9. Offset lost ConAgra revenue
- 10. Support GEDC
- 11. Strengthen neighborhood improvement program
- 12. Boost minimum housing code enforcement
- 13. Initiate 70 / White Oak improvements
- 14. Advocate for two transit stations in Town
- 15. Monitor Triangle Expressway deliberations / advocate for orange route
- 16. PRCR accreditation
- 17. Enhance PRCR special events / marketing
- 18. Implement new performance appraisal system
- 19. On-line employment applications
- 20. Community outreach (overall by staff)

Garner Town Council Vision, Purpose and Goals (2008-09)

Proposed Vision

We see ourselves as emerging regional presence committed to strategic planning, developing our citizens to be active leaders of the community and continuing to emphasize and promote hometown values and services.

Council's Purpose, Role and Outcomes

- 1. Pass a budget and set fiscal policy
 - Set fiscal policy for taxes (revenues) and spending
 - Decide how to use tax dollars to accomplish town needs
 - Stewardship of public resources
 - Pass a budget to fund a variety of services

2. Policy, Support, and Public Outreach

- Provide infrastructure, safety, protection
- · Adopt, implement, interpret, and enforce laws and policies
- Guidance to town staff (via manager)
- Be ambassadors for the town, promote Garner and attend town events
- Conduit between citizens and town government to share information

3. Define and set vision

- Direct resources to move town towards vision
- Develop partnerships with key groups in town and region
- Look ahead to anticipate changes, assess potential impacts on the community and the organization, and prepare community for the future

4. Maintain Quality of Life

- Make decisions on behalf of the community
- Act as ombudsman for residents and business, property owners
- Assist residents and property owners in maintaining property values and quality of life

5. Accountability

- Keep the town in good shape and the tax payers happy
- Facilitate and influence the growth of the town in an appropriate and reasonable manner

6. Ensure the town's financial health

- Provide adequate resources for town staff to accomplish the plan and vision
- Keep taxes low
- Support community needs, such as capital projects
- Work as a team in addressing community needs
- Allocate resources to provide for needs

7. Governance

- Develop a strategic plan for achieving goals
- Do necessary homework and use outside resources to make well-informed decisions
- Be willing to make tough decisions to enhance growth
- Establish policies and procedures that ensure orderly society
 - Provide leadership in decision-making to guide town staff
 - · Govern in ways to uphold public's trust

8. Lead

- Envision future community needs
- Shape growth and identify methods of managing this
- Ensure ground work in place to undergird future growth

9. Board to Staff Relations

- Empower manager and staff to accomplish vision
- Support manager and staff as they carry out policies and vision
- Motivate and encourage staff
- Engage in dialogue with key staff
- Provide balance to staff recommendations

10. Board to Community Relations

- Help the community understand the town's vision and plans
- Tell staff what community is thinking and saying
- Step out front and be able to say 'no' when it's needed

11. Fiscal Responsiveness

- Balance the goals of the vision with management of operations and sound financial decision-making
- Provide services at reasonable costs (taxes) to residents

12. Quality of life

- Provide services that enhance quality of life for all citizens
- Provide place that people are proud to call home
- · Lead with integrity on behalf of public
- Strive for a business-friendly, growing, and safe community
- Maintain town image and reputation

13. Services

- Happiness; citizen satisfaction
- Proper and fair administration of business
- Stable, safe, healthy society
- Balance of services provided
- Delivery of services in efficient and timely manner

14. Growth

- Plan for orderly and stable progression of residential and commercial growth
- Diverse and growing tax base
- Infrastructure supports growth

Key Conclusions from 2008-09 Retreats

- All involved the completion of community projects
- Parks and amenities and other cultural resources the town provides are meaningful.
- Proper, steady growth.
- We expect to succeed and make progress (again and again!).
- Others come to us as regional leaders.
- Requires investment to accomplish some is set aside, some will require utilizing our good financial standing.
- Transportation and connectivity will be key in achieving our vision.
- Creating a sense of place will take money as well as coordination, marketing, and partners.
- When we look to invest, we should ask ourselves: Does it help create a sense of place, does it help implement the vision?
- At one time, we thought we were limited (as a town) but now we feel we can create possibilities.

TOWN OF GARNER

MEMORANDUM

To: Hardin Watkins

Town Manager

From: Lin Jones

Finance Director

Date: February 8, 2012

Subject: Dates for possible bond referendum

N.C. General Statutes 159-61(b) provides the following requirements for a bond referendum:

The date of a bond referendum shall be fixed by the governing board, but shall not be more than one year after adoption of the bond order. The governing board may call a special referendum for the purpose of voting on a bond issue on any day, including the day of any regular or special election held for another purpose (unless the law under which the bond referendum or other election is held specifically prohibits submission of other questions at the same time). A special bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum, or within 30 days before or 10 days after any other primary, election, or referendum to be held in the same unit holding the bond referendum and already validly called or scheduled by law at the time the bond referendum is called. The clerk shall mail or deliver a certified copy of the resolution calling a special bond referendum to the board of elections that is to conduct it within three days after the resolution is adopted, but failure to observe this requirement shall not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond referenda shall be conducted by the board of elections conducting regular elections of the county, city, or special district. In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly interfere with other elections already scheduled or in process. Several bond orders or other matters may be voted upon at the same referendum.

The Board of Elections has indicated there are two elections scheduled for this fall. The School Board election will be held on October 8 and the General election on November 5. Based on the above statute, a bond referendum could be held in conjunction with the above elections on either October 8 or November 5. Except for these two dates, the referendum could not be held between September 8, (thirty days prior to October 8) and November 15 (ten days after November 5). By law it appears the referendum could be held on any date prior to October 8 or after November 15.

The above statute also requires "In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly

interfere with other elections already scheduled or in process." According to the Wake County Board of Elections, because of the primary and regular election, the only available dates in 2012 would be during the School Board election on October 8 or the General election on November 5. If these dates are not acceptable, we could have the referendum anytime after April 2013.

It appears that, at least initially, the Board of Elections is indicating that a referendum scheduled for anytime other than October 8, November 5 or after April 2013 would unduly interfere with the elections that are already scheduled.

Please advise if I can provide additional information.

Town of Garner 2012 Town Council Planning Retreat

Retreat Minutes

Prepared by: Judy Bass, Town Clerk

Adopted: _____

Town of Garner Town Council Planning Retreat

February 9-10, 2012 Quorum Center, Raleigh, NC

Council/Staff Attending: Mayor Ronnie Williams; Mayor Pro Tem Jackie Johns; Council Members Behringer, Marshburn, Kennedy and Singleton; Hardin Watkins, Manager, Rodney Dickerson, Assistant Manager; William Anderson, Town Attorney; Brad Bass, Planning Director; Lin Jones, Finance Director; Frank Powell, Town Engineer; Sonya Shaw, Parks, Recreation and Cultural Resources Director; Brandon Zuidema, Police Chief; John Hodges, Garner Revitalization Director.

Others Attending: Maurice Williams, CEO, Local Government Federal Credit Union; Ellis Hankins, Executive Director, League of Municipalities; Barry Driver, Garner Chamber of Commerce; Vic Bell representing the Triangle Area YMCA and Griffin Laughridge; Chairman, Garner Revitalization Association.

Attachments to report are: Attachment 1, Garner Capital Improvement Projects from 2011 Retreat; Attachment 2, Capital Improvement Projects 2012 Analysis; Attachment 3, Criteria to Guide Capital Investment Decisions 2011, Architectural services for Town Hall, Policy For Building Financial Capacity, Manager's report for key staff initiatives for 2012 – 2013 Garner Town Council Vision, 2008 – 2009; Memo Regarding dates for possible Bond referendum

Facilitator: Donna Warner, UNC School of Government

Outcomes

- 1. Create a capital improvement plan for 2012-2017
- 2. Determine how to fund the plan and determine need for and size of a possible bond referendum
- 3. Create action plans to determine and guide our actions in 2012 2013 and beyond

Agenda: Day One - February 9, 2012 8:00 a.m. - 5:00 p.m.

Getting started

- 1. Welcome and opening remarks: Mayor Williams
- 2. Overview of retreat purpose and process: Donna Warner

Share expectations and concerns

What is important about this retreat and why do you care?

Mr. Watkins: Synthesize information and learn.

Council Member Kennedy: How will Garner face another generation; planning retreats are to plan; enjoy getting into some of the weeds; hopes to collectively leave with realistic expectation.

Mr. Dickerson: Give staff direction for short and long term.

Council Member Marshburn: The coming together of this group that have an abiding interest in the town; all here and get a chance to participate.

Mr. Anderson: Helps me understand my job.

Mr. Powell: Hope group will focus and commit to the big picture and not be distracted by small stuff.

Mr. Bass: Assist Council in making Garner a better place; come to a decision about 5 year plan; feel like we are treading and not making decisions that are needed; want to come out with direction.

Mayor Pro Tem Johns: Gather information, exchange ideas and long range plan for the future.

Council Member Singleton: We need to be flexible; sometimes you can't follow a plan, things and projects change. We have to prepare for the future; technology changes fast; we will grow, changes are coming; need to look at long range plans.

Mayor Williams: We represent two groups of people, tax payers and citizens. We are elected to get together share information and plan for future.

Ms. Shaw: Get a priority listing of goals that drive projects for day to day.

Mr. Beasley: Get a clear policy for staff to follow so the Manager has clear direction for staff.

Council Member Behringer: Growth is coming and we want to be part; want to see a plan and action. Lot of talk in media about last decade as the lost decade; not in Garner. We took giant leaps forward; we are in good financial standing; want to keep the engine going forward. We need to see what we can do, let go of and add.

Mr. Hodges: His focus is on one geographic part of Garner; gives perspective to the downtown group.

Chief Zuidema: Glad to see group together, meaningful process. See where we are in priorities versus resources. Make sure going forward we provide services. Understand priorities and develop an alternative plan of action.

Mr. Jones: To understand what Council wants and so we can make it happen, hopefully we will set goals and make us aware of what they are; get a clear indication of capital projects. My job is to find a way to pay for them.

What will make this retreat a success for you?

Mayor Williams: Prioritize three projects from the capital improvement list and identify ways to fund.

Council Member Behringer: Moving forward, doings things that need to be done. People will wait for completed projects as long as they see you doing something.

Council Member Kennedy: capture some vision of what is down the road and worry about what is happening in the next years – long term. Can't stop growth, but can slow down some. Demands to accommodate growth are beyond comprehensive, won't have changes to do over. Resources are precious and scarce. Success is going down the road beyond; we know what we are going to do this year. We need to look beyond just the first three priorities to be prepared to continue this in the future. Look at 20 years, not just five.

Council Member Behringer: agrees we need to look ahead so we don't start over too often.

Council Member Marshburn: success will be determined a few years down the road. We will talk about things with immediate and future impact. What is being done 2, 5 10 years from now. Growth is on everyone's mind. Challenge is to manage in positive way. Council dedicated to do that. Have done reasonable job over the last 4-5 years. Represent citizens of the town of Garner.

Council Member Kennedy: Other communities have little or no room for growth (ex. Raleigh and Morrisville). We still have room to grow. Our challenges are different from other communities. We have issues with developing infrastructure in our growth areas. We need to enhance our identity.

Council Member Singleton: Successful people are flexible; may come with specific goal, but flexible.

Council Member Marshburn: Agree with need for flexibility but it is said the best predictor of the future is past behavior. We expect future growth through educated projections and should operate on the premise that growth is coming.

Council Member Behringer: Things did slow down in recession, but Wake County and North Carolina still grew.

Council Member Singleton: Different kinds of growth; growth is good if reasonable and responsible.

Mr. Dickerson: To have a unified consensus; he is thankful to have voice; Clear prioritization and how to fund.

Council Member Behringer: Get three projects done, put others in the pipeline.

Mr. Hodges: If we don't know future goals, we don't know what we are working on; we play a role in providing initiative and keeping momentum

Staff: Wants to walk out with all on the same page.

Mr. Hodges: Need top priorities and others in the lineup to know what to keep working on.

Council Member Kennedy: Always be looking to the next project while working on "this one."

Mayor Williams: Part of the issue is we only adopt one year of budgeting at a time.

Council Member Singleton: You can plan for financial set-aside to fund CIP as a policy.

Mayor Pro Tem Johns: We don't want to lose focus on priorities but can keep thinking about others as they could rise to the top of the priority list as things change (flexible).

Council Member Marshburn: Success is partly about process; can't sit on laurels and past successes. Do need to recognize success but then move on.

Ms. Warner: Success is linking vision to short term success but also long term planning with built in flexibility. Staff is looking for consensus on goals and prioritization.

Celebrate success

- 1. Review what was accomplished last year
- 2. How did these projects move the vision for Garner forward?
- 3. What did you do as a Council that contributed to the success?

Mr. Watkins presented information from Attachment #1, Garner Capital Improvement Projects, which was generated at the 2011 Retreat, with emphasis placed on completed projects:

- Purchased additional water and sewer capacity.
- Improve US 70/ White Oak Road intersection; approved, funded and in progress.
- Town Hall renovations or expansion; \$50,000 budgeted for architectural services including analysis and planning, action to be initiated.
- Invest in ConAgra property; GEDC hired Sanford Holshouser consulting firm with report due by 2/28, to be on the 2/21 agenda. Will need approximately \$1.5 million for demolition.
- Improve GPAC; partially funded. Landscaping, signage and purchase of adjoining lot for additional parking. Scope for major work needs further definition.
- Improve US 70 corridor lighting and landscaping; engineering firm has been authorized for planning; funding need has not been finalized for approved.
- Relocate SE Library to Downtown; presently unfunded; likely need to purchase land / improve roads
 for relocation. Town Manager is working with Commissioner Matthews and County Manager on
 presentation. The Town will likely be responsible for land acquisition and site improvements.
- Construction of sidewalks. South Garner Greenway completed and opened. Don Miller is designed and authorized; Transportation plan includes sidewalk rankings.
- Implement portions of Historic Downtown Garner Plan; Plan accepted has a day-to-day guide for decision making; opportunistic land purchases were authorized and completed. Connecting roads to US 70 have been authorized for study by transportation engineering consultant.
- Build indoor recreation facility (formerly referred to as community center). Unfunded.
- Acquire land for Downtown Park Maybe combined with library.
- Park improvements around town.

General discussion of how the Council is effective at collaboration and considering the needs of the citizens. Council recognizes that how they are perceived by the community is a factor in their overall effectiveness. Council tends to avoid personal agendas; willing to disagree publicly but respect one another and seek to work through issues for consensus.

Ms. Warner noted it is important to focus on what you have accomplished and how you have accomplished it.

What helped to get you where you are?

Mayor Williams said staff prepared and brought information to the Council to help make decisions; Council seems unanimous in most decisions.

Ms. Warner noted a need for elected officials to look to the future and understand the type of people that are coming are the creative people; rather than a visit to the community, they will look on the web site, look at how you get along, vote count.

Creating and sustaining Garner – Break out groups of three

Looking ahead over the next 5-10 years, what would you add or change to create, sustain or enhance the Garner you want to live in?

What makes success:

Mayor Williams: Working with staff and the big regional picture.

Council Member Behringer: Work and figure out what to do.

Staff: Professionals and board works together, being flexible, listen to where public stands on issues.

Council Member Kennedy: Travel different roads and get to same destination. No one comes with vested interest or "what is in it for me". It is easier to recognize common goals when you don't have personal agenda.

Council Member Marshburn: Don't know how public perceives what you are doing; the citizens reelected incumbents, so they cast us together as a group. We work functionally as elected body.

Council Member Behringer: Sometimes we disagree in public, but continue to respect each other.

Ms. Warner: Often boards don't spend enough time to discuss what makes them successful.

Looking ahead over next five years would you add or change to create sustain or enhance the Garner you want to live in.

Group One

- 1) Focus on needs of community
- 2) Continue to build sidewalks
- 3) Improve town hall facilities
- 4) Community center decision
- 5) Improvement of school facilities
- 6) Sustainability in school assignment
- 7) Continue volunteerism to sustain community
- 8) Continue orderly growth

Group Two

- 1) Updated municipal complex
- 2) Define community center
- 3) YMCA
- 4) More commercial development
- 5) Additional parkland
- 6) Greenway and sidewalks, build new and connect

Group Three

- 1) Concept that all of Garner matters
- 2) Embrace high density development
- 3) Support locally owned business
- 4) Create incubator spaces
- 5) Create atmosphere for generation Z and millennials
- 6) Continue to embrace arts
- 7) Community center, library combined unit in North Garner
- 8) Support sustaining steady growth
- 9) Garner as the one to be like
- 10) If bonds are approved, issue and use them

Group Four

- 1) Make it a mindset, not just a project supported by policies, actions, results
 - Mindset of Positive
 - High wage quality jobs
- 2) Not "A" project
- 3) More than just a process
- 4) Manifests as a mindset supported by policies, actions and results
- 5) All focused on town vision
 - Emerging regional presence
 - Strategic planning
 - Citizen engagement/development
 - Honoring hometown values
- 6) Professionalism in all services/accreditation

Group Five

- 1) Healthy living patterns: Safety, cultural and walkable
- 2) Attract and maintain good tax base
- 3) Plan "right" type of growth
- 4) Keep TOG employer of choice

Group Six

- 1) Looking ahead
- 2) Develop: town hall, library move, ConAgra site, community center
- 3) Enhance cultural arts
- 4) Use transportation plan and transit plan
- 5) Financial plan for capital
- 6) Progress in North Garner

Ms. Warner said it seems all are agreeing on an urban environment with a home town feel.

Council Member Johns: Focus for younger generation, don't forget the other people.

Ellis Hankins - Executive Director of NCLM

Mr. Hankins gave a brief welcoming speech that included the history of the Quorum Center including the League's association.

Barry Driver, Garner Chamber of Commerce Acting Chair Barry Driver

Mr. Driver's opening comment is that "Garner is a place you can have a business". Mr. Driver expressed his appreciation for partnership with the Town that allows a number of opportunities including the Business Expo, Broadway Voices and the Connect and Plug In Conference. He thanked the Council for their commitment of the White Oak Road/US 70 intersection improvements. He presented an update of the recent membership drive. Chamber recently got 142 new business members in 3 day membership drive – people taking money out of Garner are putting money back in Garner. Chamber focused on showing them the value of membership. We need to be known for more than Scotty's hometown – need a focus on business, value, hometown feel. He invited Town representatives to attend more Chamber meetings/events.

What has happened in the last year that impacts this vision?

Entire Group:

Timber Drive; US 70 White Oak Improvements; water/sewer purchase; library relocation discussions; American Idol winner, Scotty McCreery; ConAgra/GEDC; Transit Plan; schools improvement committee; red route defeated; Historic Downtown Garner Plan/Purchase of property; CIP action; census

Are there new issues/challenges facing town government that alters the picture of Garner that you created last year?

Entire Group:

Library, ConAgra, revenue-finance, transit, YMCA, community center growth, North Garner Plan; 9th grade center, town hall facility

Identifying Capital Investment Priorities

Presentation/Updates from Town Manager:

- 1) Key Staff initiatives for 2012-2013
 - New agenda preparation procedure
 - Engage architectural service for municipal complex
 - Generate comprehensive capital needs program
 - Integrate new Management Analyst / Internal Auditor
 - Comprehensive risk assessment
 - Work toward new Southeast Regional Library
 - Review of break-even residential analysis
 - Refine the CIP process
 - Offset lost ConAgra revenue
 - Support GEDC
 - Strengthen neighborhood improvement program
 - Boost minimum housing code enforcement
 - 70 / White Oak improvements initiated
 - Advocate for two transit stations in Town
 - Monitor Triangle Expressway deliberations / advocate for orange route
 - PRCR accreditation
 - Enhance PRCR special events / marketing
 - New performance appraisal system
 - On-line employment applications
 - Community outreach (overall by staff)
- 2) Building Financial Capacity (attached)

Black text – original text April 2010 Red text – updated May 2011 Blue text – updated January 2012

Council Member Marshburn, regarding on-line employment applications, asked if there is a mechanism for all to complete even those without computers. It was explained that there will be accommodations for those without computers.

Council Member Kennedy said we need to get costs involved in improvements to Morris Industrial Park to NC 50 so we can put a price tag on a bond referendum. Mr. Powell asked for clarification and will move forward with approval from NCDOT to get a ball park estimate which will include street lights.

Council Member Behringer said we need to be concerned with Town facilities and costs involved.

Mr. Watkins said we have \$50,000 set aside for conceptual architectural services and he has a conceptual plan in mind, but we need an architect to refine and turn into pictures and show Town's needs more clearly.

Scope of work: Existing studies; look at available buildings, do we connect; analyze current buildings, same look on exterior. Present concepts to department heads, put together costs, lead town through selection of design concept. This architect will help us find a designer. Once that is complete, we can then show to the community; conduct community charettes.

Details in the process:

- \$50,000 is set aside in FY'12 for professional / architectural / planning services
- Do a conceptual study
- Want an architect who can develop pictures / test ideas to see if our ideas will work
- Identify needs in terms of sq footage review Smith Sinnett planning studies and do some update / validation (a new architect can validate someone else's work)
- Look at what is available on / adjacent to the Town Hall complex
- Scope of work to include existing studies (refine / tweak), look at existing Town Hall, look at available buildings beyond existing campus (library, 3 medical buildings in shopping center possibly re-oriented to field)
- Do we connect multiple buildings? Breezeways?
- Architect to gain knowledge of our architectural preferences for the "skin" of the building
- Prepare conceptual drawings based on what is available
- Present to council / department heads
- Put together cost estimates
- Lead the Town through the selection and the hiring of a design architect for whatever we actually build / renovate
- Consulting architect can be more honest about options because they won't ultimately do the work
- Value in this approach is having a consulting architect for visualization, concepts, ideas
- Help show what it might look like for council and community and create realistic price tag (Smith Stinnett estimate for new building and land was \$11M likely lower for this project)
- Evaluate current issues beyond just space look at energy efficiency and maintenance as well (building analysis)

Possible Timeline:

March 1: Scope of Work distributed

May 30: Complete conceptual design

June 1: Council consider design approval

August 5: Appoint architect

August 15: Architect designs

December 1: Design complete

June 1-13: Major design work complete

October 2013: Construction bid negotiation

October 2014: Complete

One plus we have going for us is in terms of continuity of service in that we have empty buildings nearby that can be of use short term even if they are not long term solutions.

Connecting capital projects and Garner's future

- 1. Receive update on progress and accomplishments.

 Mr. Watkins identified Capital Improvement Projects generated by the Council at the 2011 Retreat.
- 2. Identifying capital investment priorities
- 3. Review criteria established last year for prioritizing capital improvement projects
- 4. Members evaluate the capital projects based on the criteria developed.

The group went into breakout sessions to evaluate the capital projects. Each group identified projects and prioritized based on drivers, restraints and consequences of not funding.

Drivers: why the town might want to invest in each project, what members hope to accomplish by investing in the project, and forces driving the town towards this project.

Restraints: why the town might not want to invest in each project, any concerns members had about each project, and what forces are holding the town back from investing.

Consequences: possible consequences of not investing or delaying the investment

With the addition of the YMCA proposal, Mayor Williams asked Mr. Vic Bell, representing the YMCA, to speak. The YMCA requested the Town donate the \$2.5 million given to the Town by ConAgra for a community center to the YMCA.

Mr. Vic Bell said for 18 years the YMCA has been building in Garner. The YMCA has sensed the need for a facility and worked with the town regarding a possible joint ownership and shared use of a facility. They want to go into the community and raise funds; there is a sense of a desire to build it. Mr. Bell said everyone thinks a YMCA will be good for the community; he has heard all positive comments, no negative. The YMCA is willing to build a facility to provide space based on the Town's needs. Partnerships such as this have been done in other places. We could look at a contract for certain use of facilities and upfront payment for rent; no membership costs to use gym facilities. There would be people that join as members. The YMCA is open to explore partnerships, but doesn't want to duplicate services. The YMCA has the land and ability to raise the money. A contribution will speed up those fundraising efforts and be an economic driver. This project is good for the youth, seniors and for the town.

Council Member Kennedy said he feels this situation is parallel to some extent to the Town's water and sewer capacity fees where we pay the capital costs up front. The YMCA would guarantee us so much capacity for the use of the building. Also, if the YMCA can go out and secure financing for everything it needs it wouldn't need us. If the YMCA can own and operate and provide that capacity; is that something in which we want to participate. What is it we need that the YMCA can provide; only at that time would we determine that capacity.

Mr. Bell said dollars are reflective of service or space being provided. Council Member Kennedy said thinking of what Garner needs; is the need sufficient that it can't be met by the YMCA or is it sufficient of what the Town needs. It is the lesser of the operating costs that would exceed the capital cost.

Council Member Marshburn asked if the offer is influenced by the fact the town has been given some money and using donated money rather than town money. What will \$2.5 million provide in terms of a YMCA facility? Is it realistic to anticipate the YMCA will say we can supply you for this particular need and for how long; this gets into details and agreements. A Town owned building is one the Town controls. He said he feels there should be a way that we can partner and you maintain and keep facility in Garner and lots of people can use the facility.

Mr. Bell said the YMCA is saying they would like to sit down and work through that and the town can identify needs. They can work out a contract on what the town needs and what they own. Partnership is a way to work together; it will take both groups sitting down and hashing it out together.

Council Member Behringer said eventually we will be in need of both facilities. Things to consider: if we spend that money on improving the GPAC campus and acquiring other properties; making a community center there versus if we donate to the YMCA; how much more money will need to be raised for the YMCA; and when will a facility be on the ground.

Council Member Singleton asked how much money is needed to get it on the ground. He said he understands with a pool, the cost of \$7 million.

Mr. Bell said he will have to get back on the confirmation of the cost. He said the YMCA likes to have money on hand, raise some and maybe borrow some. They are feeling the pressure of getting this done; Garner is high on their priority and they want to move fast and have been calling on leaders of the community to talk about the YMCA. Garner can provide a certain amount and they can raise a certain amount. The YMCA feels community is important.

Council Member Singleton said the Town needs gym space and feels an agreement can be worked out. How else can the Town benefit? Will the facility be what we have seen with a pool? A partnership must help the town from programming standpoint and must benefit both parties. We should understand how often we are using Wake County gyms and how much does it cost and factor that into a decision.

Ms. Shaw said we are looking at two additional gyms to fulfill needs of summer camp, after school; evening use, Saturday use, locker room, office space, and programming space. We have nowhere to grow our programming.

Council Member Kennedy asked if people pay fees for use. Ms. Shaw said there are some free programs, but mostly there is payment for services. The Senior Center is recovering 25% of cost. We recover costs for rentals and 50%

for youth leagues and participants by 50%. Chief Zuidema said the PAAL program also needs space for its programming.

Mr. Bell said this is a great discussion and the YMCA is open minded and flexible. He said he encourages conversation where needs can be identified. Mr. Watkins said we can get with Mr. Doug McMillan, the Executive Director, YMCA if the Triangle, and determine needs.

Ms. Shaw said staff is capturing information on what the Town can build with the \$2.5 donated by ConAgra if we are to build. Ms. Shaw said she has requested a proposal for an 18,900 facility with gyms, office space, locker room and multipurpose for \$2.8 million or \$3.7 high end. This includes 2,500 square feet of multi-purpose space, 10,000 for two gymnasiums and 8,000 for locker rooms and programming space. If the Town gets control of the Avery Street annex, it will add more multipurpose space.

Mr. Bell said he will go to the YMCA and encourage them to talk and figure out the "use" gaps.

Summary for the day:

Ms. Warner asked the Council for feedback on the day's events. 1) appreciate freedom to talk, 2) stayed on track 3) open for all to speak, 4) guided well through agenda, and 5) may need to be more forceful in reminding of time constraints.

Tomorrow the plan is to finish the criteria list and vote.

Day Two

Identifying capital investment priorities continued

- 1. Members compare rankings and develop a consensus project ranking
- 2. Determine and agree on priority capital projects

Funding capital investment priorities (continued)

- 1. Members discuss key principles and considerations relating to funding priority projects
- 2. Provide direction on how priorities will be funded

Prior to ranking, general discussion took place as follows:

- The group removed the completed/in progress items: purchase of additional water and sewer capacity and improvements to US 70/White Oak Road.
- Improve Auditorium Add the word "campus".
- Build Community Center Change "community" to "indoor recreation"
- Construct Sidewalks:

Construction of Sidewalks was removed from the list. The consensus is to follow the Town's adopted Master Plan for sidewalks.

• Proposal from YMCA:

We need to share information on needs with the YMCA staff. Mr. Anderson reminded everyone that the YMCA is not a part of the Bond discussion.

• Invest in ConAgra.

The Town needs to reserve the \$1.5 million needed to demolish the building in the event that the Garner Economic Development Association cannot raise the money on their own; this can be taken from fund balance and considered as a loan.

• Relocate Wake County Library

Regarding the discussions of the library's consideration of moving their operations downtown on town obtained property, there will be a number of options to consider and that will be included since it is a key element. Proposal to Wake County is that we provide the land (\$100,000); Town constructs turn lanes and access on 70. Town builds inner roads at Montague, provides signage. Mr. Watkins will firm up proposal with Wake County contacts; draft proposal and submit to Council for official approval. Once approved by Council, submit to Wake County Commissioners. Council feels this is a standalone project and can be financed from Fund balance. This proposal is desirable. Many commitments have already been funded. Therefore, this project does not need to be considered individually in capital rankings.

• Morris Drive Improvements

Will need to scope (Morris to 50) with Kimley Horn – need to decide if separate project. Determine best way to get both of them done

• Community Center

Change definition to "indoor recreation center".

• Implementation of portions of HDGP

Council is okay to acquire needed land as opportunistic options are made available. Council committed to construct related roads, US 70 turn lanes, and Montague Street

• Improve Auditorium

Refresh on GPAC landscaping, interior improvements, lighting and sound and parking connecting buildings.

• Add neighborhood improvement funding fulfillment.

Other projects for future discussion:

Economic development initiatives primarily infrastructure, estimated at \$2.5 to \$4 million needs more definition. Would like to put back on board as part of 50/50 goal. Mr. Watkins said there is lots of available land and he encouraged certification of eligible properties.

At this time, Griffin Laughridge, Chair of the Garner Revitalization Association, introduced himself and expressed his appreciation for the Council's continued support of the downtown initiatives.

Begin Ranking: Ranking is voted on 1- invest now; 2 invest soon 2-3 yr, 3 Invest later – 5+ and Don't invest

The ranking results follow:

Project #1 – Municipal Complex			
Drivers	Restraints		Consequences
Energy / HVAC inefficiency	Cost		Continued inefficiencies
Aging Technologies	Library Status		Employee morale
Space Needs	Status of surrounding properti	es	Increased maintenance costs
Opportunity for Reuse	Continuity of services		Declining Town Image
Customer Service	Anti-Government Sentiment		Expansion Limitations
Functionality			Added renovation costs
Image			Inhibits hiring
Staff inefficiency - crowding			Short-term maintenance needs
Employee Morale			
Project #2 – Con Agra Property	Investment		
Drivers	Restraints	Conse	equences
Lost tax revenue	Funding	Comp	ounded loss of tax revenue / jobs
Job creation / replacement	Lack of public/private partner	Inabili	ity to attract "best" user
Image of vacant facility	Demolition costs	Contir	nued maintenance costs
Profit from sale for community benefit	Current market / economy	Negat	ive image
Economic Development catalyst	High risk / high reward proposition	Lost fa	aith in Town leadership
GEDC / Town ownership			
Follow consulting firm			_
recommendation			
Maximize flexibility for reuse			

Project #3 – Improve GPAC Campu	ıs	
Drivers	Restraints	Consequences
Work to date on visibility	Town does not control entire campus	Limited opportunities
	/ all facilities (Apts)	
Tied to Downtown improvement	County-controlled and utilized	Lack of programming space
	annex building	
Economic potential	Neighborhood apathy	Loss of revenue
Community vibrancy	Lack of community financial	Impact on North Garner / Downtown
	support	development
Improving current assets		Continued debt service
Needed programming space		Image of "new" GPAC
Potential solution to recreation		
center issue / use of Con Agra funds		
Efficient expansion of services		

Project #4 – Highway 70 Corridor	r (Morris Dr. to Hwy 50) **	
Drivers	Restraints	Consequences
Economic Development	Funding	Congestion increased
Town's Image	DOT Approval / Involvement	Poor appearance / image
Lighting / Safety	Residential pushback	Increased costs for potential developers
Consistency w/70 Development	Inconvenience for travelers / property owners	Blight possibilities
Gateway to Garner		Tax loss / missed opportunity costs
Catalyst – corridor development		
Preparation for possible traffic		
increases		
Downtown connector		

^{**} This project is intended to include all aspects being addressed by the Town's contracted engineer for road improvements involving Hwy 70 to include Montague, New Rand and Purvis Streets up to Main Street and Garner Road.

Project #5 – Relocation of South East	st Regional Library (SERL) to Downt	town
Drivers	Restraints	Consequences
Redevelopment	Political Reality – potential conflict	Missed opportunity to bring visitors
	among Wake Co Supv priorities	to Downtown
Anchor for Downtown	Lack of philanthropic support	Increased cost to the Town
Town Hall parking	Land acquisition	Could impact Municipal Complex
		options
Town infrastructure	Community fear of change in	No civic anchor in Downtown
	perception of convenience	
Current facility inadequate	Costs (?)	
Catalyst for Downtown	Are libraries going to move away	
	from physical facilities?	
Wake Co cost avoidance related to		
renovations		
Safety – related to parking, loitering,		
community perception		
Positive for Garner image to have a		
new library (vs. having it		
recommended to close)		
No increase in operating costs		
Town gains a facility / asset		

Project #6 – Implementation of Hist	oric Downtown Garner Plan **	
Drivers	Restraints	Consequences
Maintain focus/momentum on HDGP	Public pushback	Status quo
Economic Development / Jobs	Lack of community consensus	Economic Development
Commitment to plan	Lack of citizen awareness	Town Image
Walkable	Current lack of complimentary services in the area (rail, sport, etc.) – has to lead vs. follow	Broken commitment to the HDGP
Tie to GPAC Campus	Lack of philanthropic support	Lack of / loss of "Downtown"?
Favorable to Transit Plan	Downtown vs. North Garner definition / focus	What is the "heart" or center of Garner that makes us unique?
Responsible Government		Abandonment mentality
Preserving History		Underutilization of potential tax base and existing infrastructure
Cultural Development		No action = moving backward from existing progress
Opportunity for Urban Housing		
Types		
"Sense of Place" for Town – defines		
North side of Town		
"New Generation" drawing card		

^{**} Include road improvements to Main Street and Garner Road from Avery Street west to NC 50.

Project #7 – Build Indoor Recreation	on Facility	
Drivers	Restraints	Consequences
Con Agra donation	Increased operating costs if not at Avery St	Need continues to grow
Expanding programming at Avery St. facility	Land acquisition may be necessary	Limited revenue
Community Expectation – 20 yrs	Lack of corporate sponsorship	Community push-back
Facilities Needs	What is this facility?	Lack of investment in youth
Affordability of programs		Continued rental costs
Centralization of PRCR staff		Lack of a noteworthy community amenity

Project #8 – YMCA Proposal for Co	st Sharing	
Drivers	Restraints	Consequences
Community need		
Community desire		

CIP Priorities Based on Vote:

1)	Renovations to the Municipal Complex	(Council 1.0 / Staff 1.0)
2)	Indoor Recreation Facility	(Council 1.0 / Staff 1.33)
3)	Highway 70 Corridor Improvements – Morris to 50	(Council 1.17 / Staff 1.5)
4)	Consider YMCA Proposal	(Council 1.5 / Staff 3.83)
5)	Implementation of HDGP	(Council 1.83 / Staff 1.83)
6)	Build sidewalks	(Council 2.0 / Staff 1.83)
7)	Greenway property acquisition / development	(Council 2.33 / Staff 3.0)
8)	Park Improvements	(Council 2.5 / Staff 2.83)
9)	Neighborhood Improvement Fulfillment	(Council 2.5 / Staff 1.5)

Cost Estimates:

- 1) \$6.5M \$11M
- 2) \$2.8M \$5M
- 3) \$10M \$12M
- 4) Unknown
- 5) \$5M
- 6) \$2M
- 7) \$2M
- 8) \$4.6M \$5M
- 9) \$1M

Total – low end – is \$34.3 Million Total – high end – is \$43 Million

Summary of priority projects:

"INVEST NOW" PROJECTS

- Renovations & Expansion of the Municipal Complex, including Police Station;
- Indoor Recreation Facility at GPAC Campus, including improvements to existing facilities at Avery Street Recreation Center; and
- Highway 70 Corridor Improvements Morris Drive to Highway 50 (includes connectivity to Montague, New Rand, and Purvis).

Accurate cost estimates for each project will need to be prepared and vetted – this will be one of staff's initial post-retreat action steps.

There are 6 other projects that were designated as worthwhile and valuable to the Town but were listed as "Invest Soon" projects (2-3 years out) or "Invest Later" projects (5+ years out):

"INVEST SOON" PROJECTS

- Consider proposal for possible partnership with Triangle YMCA for a Garner facility on Aversboro Road;
- Implementation of Historic Downtown Garner Plan (includes road improvements to Main Street & Garner Road from Avery Street to Highway 50); and
- Build sidewalks and implement street improvements town-wide (following Transportation Plan priority list).

"INVEST LATER" PROJECTS

- Greenway property acquisition / development;
- Town-wide Park Enhancement Program Improvements; and
- Town-wide Neighborhood Improvement Implementation.

Creating an action plan

- 1. Members discuss principles and considerations to guide staff in moving forward with funding and implementation
- 2. Including: how to proceed, when to proceed, who needs to be informed or involved, potential partners, public awareness and education, cost, use of fund balance, borrowing and funding options
- 3. How will the Council measure success?

Revenues/Funding Options

Debt service on \$1M is approximately \$100,000 (5% loan) Revenue side

- \$2.5 Million from Con Agra
- Fund Balance is currently \$6.9 Million over 30% Town policy minimum (52% actual fund balance)

Can use \$6.9 to pay for project or to pay first few years of debt service

Other Funding Options:

- Bonds
- Fee Increases
- Changing Annual Operating Expenses practices / policy (reduce spending)
- Tax Increase

Council Member Singleton suggested going ahead and moving forward with the indoor recreation center with the ConAgra donation, PARTF grant and fund balance. There seemed to be concurrence from the elected officials on this suggestion.

Bond Referendum Discussion:

Mr. Jones reported that based on the Board of Elections schedule the following dates are available for a bond referendum: October 8 and November 5, 2012. If the Council wishes to wait until 2013, we could schedule anytime after April 2013.

Discussion of Bond Referendum:

To do:

Sooner Later
Vulnerability Short education period puts it off

Project in motion

Chamber support

Minimize opposition

Do it - keep track record of action

Wrapping up – Decisions, Expectations, Actions, Reflections

- 1. Summarize decisions, commitments, actions and council expectations of staff and staff expectations of Council
- 2. Feedback, observations, reflections, conclusions, and closing remarks

ACTION STEPS:

- Meet with Davenport on how to fund \$34 million in projects and time frame for debt issuance.
 Consideration of savings account. Request 30 day turnaround
- November 5 Bond referendum
- Move forward with aforementioned schedule with architectural plans for Town Hall/Police Facility (Mr. Watkins and Chief Zuidema)
- Costs for Indoor Recreation Center Sonya Shaw Due 3/23
- Downtown Garner Improvements defined by Brad Bass and John Hodges Due 3/23.
- US 70 corridor improvement estimate: Mr. Powell and Kimley Horn Due 3/23.
- Explain to YMCA that the ConAgra gift will go toward major renovations to Avery Street for indoor recreation center. Will continue partnership conversations.

Mayor Williams asked each person to write their ideas of "Economic Development", "Image" and "Vision" in order to better define these for Garner.

The Retreat ended with comments of appreciation for both Council and staff for getting the retreat together and working so hard to accomplish goals set forth.

Adjourn: 3:45.

Town of Garner Town Council Meeting Agenda Form

Meeting Date: Monday, May 7,	2012	
Subject: Wake County Tax Rep	ort	
Location on Agenda: Consent		
Department: Administration		
Contact: Kimberly Moffett		
Presenter: N/A		
	to 2011. These ac	oved non-cash rebates in the amount of ctions occurred in the period from ed for approval.
Recommended Motion and/or Req Approve Tax Release	uested Action:	
Detailed Notes: None		
Funding Source:		
N/A		
Cost: N/A	One time • A	nnual
Manager's Comments and Recomm	endations:	
Attachments Yes	No C	
Agenda Form Reviewed by:	Initials	Comments
Department Head	Enter Initials.	Enter Comments.
Finance Director	Enter Initials.	Enter Comments.
Town Attorney	Enter Initials.	Enter Comments.
Town Manager	Enter Initials.	Enter Comments.
Town Clerk	KM	Enter Comments.



Board of Commissioners P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160 FAX 919 856 5699

Paul Y. Coble, Chairman Phil Matthews, Vice-Chair Joe Bryan Tony Gurley Ervin Portman Betty Lou Ward James West

April 3, 2012

Ms. Judy Bass Town Clerk Town of Garner Post Office Box 446 Garner, North Carolina 27529

Dear Ms. Bass:

The Wake County Board of Commissioners, in regular session on April 2, 2012, approved and accepted the enclosed tax reports for the Town of Garner.

It is hereby submitted for your Board's approval.

Sincerely,

Susan J. Banks Clerk to the Board

Wake County Board of Commissioners

Enclosure(s)

RECEIVED

APR 9 12

Administration Department

WAKE COUNTY SOBERT CREDITION					Wake County Revenue Department Rebate Details 02/01/2012 - 02/29/2012 GARNER	ounty Revenue Dep: Rebate Details 02/01/2012 - 02/29/2012 GARNER	epartment 12	S	DATE 03/02/2012	012	TIME PAGE 8:33:58 AM 1	
REBATE NUMBER	PROPERTY	CITY	LATE	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	YEAR BILLING FOR TYPE	OWNER	
BUSINESS ACCOUNTS	NTS											
549091 549212	191.41	0.00	19.14	0.00	210.55 1,413.65	02/02/2012 02/06/2012	0006513660 0006133956	2011	2011	000000	DEWITTE, KENNETH STAPLES THE OFFICE	
549331	5.29	0.00	0.00	0.00	5.29	02/06/2012	0005302872	2011	2011	000000	BOLICK, EDWARD KEITH MONTEC INC	
551249	75.46	0.00	7.55	0.00	83.01	02/24/2012	0006461162	2011		000000	OLDE STAGE MART LLC	
549505	0.00	0.00	41.87	0.00	41.87		0006542029	2011		000000	MONTEC INC	
549506	0.00	00.00	24.80	00.00	24.80	02/07/2012	0006542029	2011	2010	000000	MONTEC INC	
549508	153.13	0.00	15.31	0.00	168.44		0006542683	2011		000000	SECOND CHANCE MINISTRIES OF GARNER	
549504	0.00	0.00	57.59	0.00	57.59	02/07/2012	0006542029	2011	2008	2008 000000	MONTECINC	
SUBTOTALS FOR BUSINESS ACCOUNTS	1,710.43	0.00	346.72	0.00	2,057.15	10	Properties Rebated	Rebated				
DMV ACCOUNTS												
549026	5.93	7.50	0.00	0.00	13.43	02/01/2012	0510596824	2010	2010	000000	ROWELL, DENISE WILSON	
549027	2.12	8.75	0.00	0.00	10.87		0510661189	2010		000000	ROWELL, RANDOLPH ROLLINS	S
549110	2.73	0.83	0.00	0.00	3.56	_	0505790354	2003		000000	SIANCIL, PAMELA PEAKCE	
549245	6.52	13.75	0.00	0.00	20.27	02/03/2012	0510241864	2010	2010	000000	MIZELL, PAULA FISHEK PETERSON KELLVI EF	
549262	26.82	11.25	00.0	0.00	39.02		0511328053	2011		000000	DOUGLAS, ANTOINETTE MAE	
549511	12.25	15.00	0.00	0.00	27.25		0511432524	2011		000000	SECOND CHANCE MINISTRIES	
											OF CALCASE	

WAKE					Wake County Revenue Department Rebate Details 02/01/2012 - 02/29/2012 GARNER	ounty Revenue Dep Rebate Details 02/01/2012 - 02/29/2012 GARNER	spartment 12	5	DATE 03/02/2012	012	TIME PAGE 8:33:58 AM 2	
REBATE NUMBER	PROPERTY	CITY	LATE	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX	YEAR FOR	BILLING	OWNER	
DMV ACCOUNTS	S											
549539	7.20	0.00	0.00	0.00	7.20	02/07/2012	0511469731	2011	2011	2011 000000	TOWER ENGINEERING	
549580	112.20	13.75	0.00	0.00	125.95	02/07/2012	0511159507	2011		000000	CURTIS, FOSTON III	
549645 549773	9.92	2.50	0.00	0.00	22.42	02/08/2012	0509285478	2008	2008	000000	LYONS, ANTOINE MAURICE RUCKER, KESHA JUANYALE	
549781	26.07	8.75	0.00	0.00	34.82	02/09/2012	0509029951	2008		0000000	STEWART, KEVIN MICHAEL	
549783	18.26 25.97	0.00	0.00	0.00	35.97	02/09/2012	0511460212 0511480848	2011	2011	0000000	MOKKIS, MAKI KELLA KENEE EVANS PLUMBING INC	
549846	12.51	10.00	0.00	0.00	22.51	02/10/2012	0511430550	2011		000000	JACKSON, AUTTIS ALVIN JR	
549867	15.61	10.00	0.00	0.00	25.61	02/10/2012	0511470112	2011		000000	MARTIN, ANGELA BULLARD	
549876	1.54	3.75	0.00	0.00	5.29	02/10/2012 02/10/2012	0511075144	2011	2011	0000000	GODFREY, TODD ANDREW MERCIER, PIERRE FERNAND	
549897	16.76	5.00	0.00	0.00	21.76	02/10/2012	0510922043	2010		000000	COLEMAN, PAUL JUSTIN	
549929	3.70	2.50	0.00	0.00	6.20	02/13/2012	0509577250	2009		000000	DUNN, ROBERT JOSEPH	
549943	43.95	11.25	0.00	0.00	55.20	02/13/2012	0511460401	2011	2011	000000	TEAGUE, JEAN WRENN SASSER, ELSIE HILL	
550059	55.51	8.75	0.00	0.00	64.26	02/14/2012	0511428959	2011		000000	DICKEN, DAVID GLENN	
550074	6.37	15.00	0.00	0.00	21.37	02/14/2012	0511517942	2011		000000	PEEDIN, THOMAS RUFFIN JR	
960055	12.44	8.75	0.00	0.00	21.19	02/14/2012	0510253269	2010	2010	000000	WILLIAMS, QUENTIN	
550100	99.29	15.00	0.00	0.00	75.56	02/14/2012	0511517473	2011	2011	000000	RASHAWN PATE, DOROTHY COTTON	
550124	5.72	12.50	0.00	0.00	18.22	02/14/2012	0511257045	2011	2011	000000	URIOSTEGUI, IVETTE	
0.000	00 10		0		0000	01/15/7017	057750	1100	1100	000000	GONZALEZ	
550380	31.38	0.50	00.0	0.00	11.86	02/16/2012	0511327733	2011		000000	TOWER ENGINEERING	
00000	11.90	9									PROFESSIONALS	
550415	0.58	1.25	0.00	0.00	1.83	02/16/2012	0510844730	2010	2010	2010 000000	GARNER TAXI CO INC	
550443	3.55	2.08	0.00	00.00	5.63	02/16/2012	0507852758	2006	2006	000000	SMITH, CAROL JEANETTE	

WAKE					Wake County Revenue Department Rebate Details 02/01/2012 - 02/29/2012 GARNER	ounty Revenue Dep Rebate Details 02/01/2012 - 02/29/2012 GARNER	epartment 12		DATE 03/02/2012	2012	TIME PAGE 8:33:58 AM 3
REBATE NUMBER	PROPERTY	CITY	LATE	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	YEAR BILLING FOR TYPE	OWNER
DMV ACCOUNTS											
0 11	i,			Ġ.	-	010077700	2100021120			00000	CIDDEL TEDENAVIVEDNION
550459	3.84	6.25	0.00	00.0	0.71	2102/01/20	0511322043	2011	2011	000000	SIFFEL, JENEMII VENINON BIRT AI BERTI FF
550477	21.52	3.75	0.00	0.00	25.27	02/16/2012	0510986946	2011	2011	000000	FLOYD, MATTHEW LEON ELLIS
550478	268.24	13.75	0.00	0.00	281.99	02/16/2012	0511516498	2011	2011	000000	BYRD, CLAUDIUS LEWIS
550480	13.78	6.25	0.00	0.00	20.03	02/16/2012	0511118625	2011	2011	000000	WILLIAMS, SCOTT RODNEY
550498	26.10	8.75	0.00	0.00	34.85	02/16/2012	0511261574	2011	2011	000000	WALLER, THERESA FOWLER
550507	8.47	6.25	0.00	0.00	14.72	02/16/2012	0511459642	2011	2011	000000	WRIGHT, CELIA SUE
550535	7.42	11.25	0.00	00.00	18.67	02/16/2012	0511256652	2011	2011	000000	CARTER, SEAN CHRISTOPHER
550537	0.43	1.25	0.00	0.00	1.68	02/16/2012	0510316863	2010	2010	000000	WALSH, DANIELLE PATRICIA
550636	78.11	15.00	0.00	0.00	93.11	02/17/2012	0511160401	2011	2011	000000	LILES, ROBBIE STEWART
550642	112.73	8.75	0.00	0.00	121.48	02/17/2012	0511286983	2011	2011	000000	WILLIAMS, TYRONE JAMAR
550758	42.49	13.75	0.00	0.00	56.24	02/20/2012	0511550201	2011	2011	000000	GODFREY'S TRI STATE
022033	000	Ç	000	000	1 30	2102/02/20	0508021830	2007	2007	000000	JEWELERS MITCHELL KIMBERLY
611000	0.00	1.0	0.00	00.0	00:1		000000000000000000000000000000000000000	004	007		MONIQUE
550857	110.40	15.00	0.00	0.00	125.40	02/20/2012	0510965691	2011	2011	000000	PARKER, ARTHUR RALPH
550858	82.81	15.00	0.00	0.00	97.81	02/20/2012	0511030931	2011	2011	000000	PARKER, ARTHUR RALPH
550959	55.83	5.00	0.00	0.00	60.83	02/21/2012	0510757843	2010	2010	000000	V A U L TRUST
551022	4.89	0.00	0.00	0.00	4.89	02/22/2012	0511526822	2011	2011	000000	TOWER ENGINEERING
1			0			0.000,000	2022131130	1100	1	00000	PROFESSIONALS INC
5/0166	2.04	12.30	0.00	0.00	14.34		0511501150	1107	2011		FIRST PAPER CHIRCH OF
181166	2.94	0.00	0.00	0.00	7.94	02/23/2012	03111881119	7011	1107	000000	GARNER
551182	171.01	15.00	0.00	0.00	186.01	02/23/2012	0511188120	2011	2011	000000	FIRST BAPTIST CHURCH OF
											GARNER
551236	11.91	0.00	0.00	0.00	11.91	02/24/2012	0511526821	2011	2011	000000	TOWER ENGINEERING PROFESSIONALS INC
551251	25.48	0.00	0.00	0.00	25.48	02/24/2012	0511295560	2011	2011	000000	MAXILE, SHALON BRENEE

WAKE					Wake County Revenue Department Rebate Details 02/01/2012 - 02/29/2012 GARNER	ounty Revenue Dep: Rebate Details 02/01/2012 - 02/29/2012 GARNER	epartment	J	DATE 03/02/2012	7	TIME PAGE 8:33:58 AM 4
REBATE NUMBER	PROPERTY	CITY	LATE	BILLED	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR BILLING FOR TYPE	BILLING	OWNER
DMV ACCOUNTS											
551268	16.32	5.00	0.00	0.00	21.32	02/24/2012	0511186814	2011	2011 00	000000	CEDILLOS, VICENTE RAFAEL
551294	3.06	3.75	0.00	0.00	6.81	02/24/2012	0508482683	2007	2007 00	000000	MASSENGILL, DANNY LYNN
551367	1.03	2.50	0.00	0.00	3.53	02/27/2012	0509846060	2009	2009 00	000000	ALLISON, MICHAEL BRADOCK
551405	53.45	12.50	0.00	0.00	65.95	02/27/2012	0511528709	2011	2011 00	000000	VECTOR SECURITY INC
551498	51.59	6.25	0.00	0.00	57.84	02/28/2012	0511256614	2011	2011 00	000000	HONDA LEASE TRUST
551552	7.99	13.75	0.00	0.00	21.74	02/29/2012	0511516685	2011	2011 00	000000	CHANDLER, KAREN LYNN
548969	4.41	10.00	0.00	0.00	14.41	02/01/2012	0510868173	2010	2010 00	000000	SHAW, KATHERINE
549006	8.74	2.50	0.00	0.00	11.24	02/01/2012	0510949900	2010	2010 00	000000	MADDOCKS, FREDERICK JOSEPH
549007	16.53	5.00	0.00	0.00	21.53	02/01/2012	0511079260	2011	2011 00	000000	MADDOCKS, AMANDA LOCKWOOD
549024	24.90	8.75	0.00	0.00	33.65	02/01/2012	0511353121	2011	2011 000000	00000	BATCHELOR SUPPLY INC
SUBTOTALS FOR DMV ACCOUNTS	1,873.37	477.91	0.00	0.00	2,351.28	63	Properties Rebated	Rebated			
INDIVIDUAL PROPERTY ACCOUNTS	STND										
548927	4.90	15.00	0.49	0.00	20.39	02/01/2012	0006493540	2009	2009 00	000000	CHAVIS, YOLANDA JEMILLIA
548928	4.90	15.00	0.49	0.00	20.39	02/01/2012	0006493540	2010	2010 00	000000	CHAVIS, YOLANDA JEMILLIA
548929	4.90	15.00	0.49	0.00	20.39	02/01/2012	0006493540	2011		000000	CHAVIS, YOLANDA JEMILLIA
549397	23.00	20.00	2.30	0.00	45.30	02/07/2012	0006481763	2007	2007 00	000000	BADGER, JAMES E
549399	19.60	00.09	1.96	0.00	81.56		0006481763	2008		000000	BADGER, JAMES E
549400	19.60	00.09	1.96	0.00	81.56	02/07/2012	0006481763	2009	2009 00	000000	BADGER, JAMES E

WAKE					Wake County Revenue Department Rebate Details 02/01/2012 - 02/29/2012 GARNER	ounty Revenue Dep: Rebate Details 02/01/2012 - 02/29/2012 GARNER	partment	.O	DATE 03/02/2012	TIME 8:33:58 AM	PAGE 5
REBATE NUMBER	PROPERTY	CITY	LATE	BILLED	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX Y YEAR	YEAR BILLING FOR TYPE	OWNER	
INDIVIDUAL PROPERTY ACCOUNTS	UNTS										
549402	19.60	00.09	1.96	0.00	81.56	81.56 02/07/2012	0006481763	2011	2011 000000	BADGER, JAMES E	
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	116.10	305.00	11.61	0.00	432.71	8	Properties Rebated	ebated			
WILDLIFE BOAT ACCOUNTS											
548931	124.31	0.00	12.43	0.00	136.74	136.74 02/01/2012	0004135415	2010	2010 000000	MORRIS, DANIEL WILSON	CSON
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	124.31	0.00	12.43	0.00	136.74	1	Properties Rebated	tebated			
TOTAL REBATED FOR GARNER	3,824.21	782.91	370.76	00.00	4,977.88	82	Properties Rebated for City	bated for	City		

Town of Garner Town Council Meeting Agenda Form

Meeting Date: Monday, May 7, 2012 Subject: Conditional Use Rezoning CUD-Z-12-03 and Conditional Use Permit CUP-SP-12-05 Location on Agenda: Public Hearings Department: Planning Contact: Brad Bass, Planning Director Presenter: Brad Bass, Planning Director Brief Summary: Consider a request by Evergreen Construction Company to rezone a 5.7 acre tract located on Timber Drive East near New Rand Road from O&I C152 to MF-2 C164 and a site plan application regarding construction of a 48 unit senior apartment project. Recommended Motion and/or Requested Action: Motion to approve or deny Rezoning CUD-Z-12-03 (see attached ordinance) and a separate motion to approve or deny Conditional Use Permit CUP-SP-12-05 (see attached Permit). Detailed Notes: Two motions are required for this item. The Council will need to take action on the rezoning application first. Second, by separate motion Council will need to take action on Conditional Use Permit CUP-SP-12-05. The Planning Commission reviewed both items at its April 9, 2012 and recommended approval of both applications based on staff's recommendation. Additional details are provided in the attached Staff Report. Funding Source: N/A Annual C One time ullet Cost: 0 Manager's Comments and Recommendations: None. Attachments Yes No Agenda Form Reviewed by: Initials Comments Department Head **MBB** Enter Comments. Finance Director Enter Initials. Enter Comments. Town Attorney Enter Initials. Enter Comments. HW Town Manager None. Town Clerk Enter Initials. Enter Comments.

TOWN OF GARNER CONDITIONAL USE REZONING & CONDITIONAL USE PERMIT STAFF REPORT

Town Council Public Hearing
May 7, 2012

APPLICATIONS: CUD-Z-12-03

CUP-SP-12-05

APPLICANT: Evergreen Construction Company

OWNER: Bobby & Brenda Fowler

LOCATION: North side of Timber Drive East, east of NC 50 (Benson

Rd)

EXISTING USE: Undeveloped

WAKE COUNTY PIN #: North portion of 1710848645

AREA: 5.7 acres

TOWN LIMITS: No (voluntary annexation required)

PRESENT ZONING: O&I C152 (Office and Institutional with conditions)

REQUESTED ZONING: MF-2 C164 (Multi-Family 2 with conditions)

APPLICABLE OVERLAYS: Timber Drive East Overlay

KEY MEETING DATES:

Planning Commission: April 9, 2012

Town Council Public Hearing & Action May 7, 2012

REZONING REPORT

GENERAL DESCRIPTION:

Existing Zoning Classifications

The 5.7-acre site on the north side of Timber Drive East is zoned Office & Institutional Conditional Use District 152 (O&I C152). The O&I district is designed to accommodate more intense professional and service occupations than permitted in the Neighborhood Office (NO) district. This district is also intended to serve as a transition between residential zoning districts and more intense zoning districts, including commercial districts.

The following is a list of permitted uses under the O&I C152 District. Uses restricted or prohibited by the applicant and by the Timber Drive East Overlay are highlighted.

- 1. Townhouses and Condominiums
- 2. Community Center (prohibited by applicant)
- 3. Library, museum, art gallery
- 4. Other community service
- 5. Adult daycare
- 6. Day Care Center
- 7. Business School. College, or university in single building (prohibited by applicant)
- 8. College, university
- 9. Schools public or private
- 10. Trade or vocational school (prohibited by applicant)
- 11. Ambulance, rescue squad, police, fire station
- 12. Government office
- 13. Continuing care, retirement facility
- 14. Hospice
- 15. Hospital
- 16. Medical clinic
- 17. Mental health facility
- 18. Group care facility
- 19. Handicapped institution
- 20. Intermediate care institution
- 21. Cemetery (prohibited by applicant)
- 22. Public parks, swimming pools, tennis and golf courses (Golf driving ranges prohibited by overlay)
- 23. Religious institutions (prohibited by applicant)
- 24. Minor utility—elevated water tank
- 25. Golf course or country club private (Golf driving ranges prohibited by overlay)
- 26. Gym, spa, indoor tennis or pool private

- 27. Banks and financial institutions
- 28. Medical office
- 29. Other office
- 30. Bed and breakfast
- 31. Commercial parking (prohibited by overlay)
- 32. Indoor repair oriented use (prohibited by overlay)
- 33. Veterinarian / kennel, indoor

Proposed Zoning Classification

The proposed zoning district is **Multi Family 2 Conditional Use District 164 (MF-2 C164).** The MF-2 district is a high density multi-family residential district that allows apartments, condos, townhomes, duplexes, and triplexes. The MF-2 district allows a gross density of approximately 13.85 dwelling units per acre. The 5.7-acre site could theoretically accommodate a <u>net density</u> of approximately 62 units; this includes subtracting out land for driveways, roads, and parking areas. <u>Gross density</u> for the site is 78 units.

The following is a list of proposed uses in the MF-2 C164 district. The applicant has excluded or prohibited several MF-2 uses for the site, and they are highlighted below.

- 1. Residential cluster
- 2. Duplexes
- 3. Townhome
- 4. Condominium
- 5. Triplexes & apartments
- 6. Family Care Home
- 7. Group Care Home
- 8. Intermediate Care Home
- 9. Community Center
- 10. In-home Child Day care up to 3 children (Prohibited)
- 11. Schools public or private
- 12. Public safety: fire, police, rescue squad, ambulance
- 13. Continuing care retirement facility
- 14. Cemetery (Prohibited)
- 15. Public Parks, swimming pool, tennis courts, golf course
- 16. Churches, religious institutions
- 17. Minor utility, elevated water storage tank (Prohibited)
- 18. Private parks
- 19. Private country clubs, golf courses (Prohibited)
- 20. Bed and Breakfast

This property is located within the **Timber Drive East Overlay District**. This overlay was adopted in December 2007 in advance of the Timber Drive East Extension Road Project. The overlay applies to a defined boundary between NC 50 and White Oak

Road. The overlay district has additional development standards and use restrictions for properties along this proposed corridor. These standards affect new commercial development. There are several uses that are prohibited or restricted within the overlay district. There are also additional landscaping and buffering requirements and design-guidelines. No multi-family uses are prohibited by the overlay.

Summary of Zoning Change

This 5.7-acre rezoning site is part of a larger 27-acre tract. This 5.7-acre portion is zoned O&I C152 while the remaining 21.30 acres are zoned CR C152. Timber Drive East, recently constructed, divides and separates the two portions with the O&I section to the north and the CR section to the south.

The applicant has requested to use conditional use zoning on the property. The request is to rezone the north portion from O&I C152 to MF-2 C164.

The applicant plans to develop the site into a senior living apartment facility. Also submitted with this rezoning application is a site plan conditional use permit (see CUP-SP-12-05).

Adjacent Zoning and Land Uses

North: R-20, Bainbridge Subdivision

South: Timber Drive East

Approximately 45 acres zoned CR C152 (undeveloped)

East: R-20, Vacant/undeveloped land

West: SB C4, Timber Crossing Shopping Center

O&I, State Employees Credit Union

Neighborhood Character

This site is located near the intersection of NC 50 and Timber Drive East; both of these roads are classified as major thoroughfares on the *Garner Transportation Plan*. The area around this intersection consists of single-family residential (Bainbridge and Staunton Meadows), retail commercial (Timber Crossing), and office uses (State Employees Credit Union). It is anticipated that the character of this area will likely change to a higher level of development intensity with the opening of Timber Drive East which connects NC 50 to White Oak Rd. Large tracts of undeveloped land now have road access.

Zoning History

Planning Department records show these rezoning cases in this area.

Case	Applicant	Location	Zoning Change
Z 78-3	Munn & Fowler	New Rand Road	R-20 to CB (denied)
Z 78-6	Munn & Fowler	New Rand Road	R-20 to CB
Z 86-24	Centermark Inc	Timber Crossing	R-20 to SB C4
Z 87-17	Hardees	Timber / NC 50	R-20 to CB
Z 95-07	Eddie Caudle	Timber / NC 50	R-20 to O&I
CUD Z 93-07	The Eastern Group	North portion of State Employees Credit Union site	R-20 to O&I C47
CUD Z 00-04	Southstar Property	State Employees Credit Union site	O&I to CB (Withdrawn)
CUD Z 01-11	Jonathan Adams	NC 50—next to Credit Union Site	R-20 to O&I C113
CUD-Z-08-01	Fowler & Williams	East of NC 50 at Timber Drive	R-20, NC, and CR to CR C152 & O&I C152

^{*} Note: CB was Community Business under the previous version of the Land Use Ordinance. All CB districts were re-named to CR (Community Retail) in the Unified Development Ordinance, effective October 1, 2003.

INFRASTRUCTURE

Water & Sewer

The site has access to both public water and sewer service. Connections will be made at the time of development.

TRANSPORTATION

The rezoning site has approximately 1,220 feet of road frontage along **Timber Drive East**. This road has a right-of-way width of approximately 120 feet. Timber Drive East is classified as a Major Thoroughfare on the *Town of Garner's Transportation Plan*. It is a 4-lane divided median facility and maintained by NCDOT. No Annual Average Daily Traffic (AADT) counts are available for this new section of road. The next round of counts would be collected in 2013, and the AADTS would be released a year later by the summer of 2014.

Benson Rd (NC 50) is within 500 feet of the rezoning site. NC 50 is a Major Thoroughfare on the *Town of Garner Transportation Plan* and is maintained by NCDOT. It is mainly 2 lanes with a right-of-way width of 100 feet. However, there are 4 lanes north and south of the Timber Drive intersection. Annual Average Daily Traffic counts (AADTs) are estimated at 17,000 trips per day according to the 2009 NCDOT Traffic Count Survey.

The proposed site plan shows a 48-units senior apartment facility. Using trip generation calculations for traffic impact estimates, a 48-unit senior apartment complex would generate about 167 trips per day (24 hours). No significant traffic impacts are anticipated as a result of this zoning change from O&I to MF-2.

ENVIRONMENT

The rezoning site is not within the 100 or 500-year flood plain areas as delineated by the FEMA Flood Insurance Rate Maps. No other environmental features appear to be present on this site.

STAFF COMMENTARY

Conformity to Adopted Comprehensive Growth Plan

The rezoning site is 5.7 acres, and approximately 4.5 acres of this site fall within a **Community Core** while the remaining 1.2 acres fall within the adjoining **Mixed Use** area.

According to the *Town of Garner Comprehensive Growth Plan*, approximately 4.5 acres of the rezoning site is located within the *Community Core Area* (C1) at the intersection of Timber Drive East and NC 50. The Community Core Area is designed to accommodate community-scale retail services needed less frequently than on a daily basis. It is generally characterized as being suitable to act as a hub for a large service area of the community and is typically developed at the intersection of major thoroughfares.

The recommended zoning districts for a **Community Core** area include: NC, O&I, NO, MXD, CR, MF 1, MF2, PUD, and SB-CUD (outdoor storage restricted).

The recommended zoning districts for a **Community Mixed Use** area include: NC, O&I, NO, MXD, MF 1, MF2, PUD, and TND.

The requested zoning change from Office & Institutional C152 (O&I C152) to Multi-Family 2 C164 (MF-2 C164) is consistent with the *Comprehensive Growth Plan*. A conditional use permit has also been submitted for site plan review (see CUP-SP-12-05). The applicant has restricted the range of uses allowed in the proposed MF-2 district.

Conditional Use Permit Report CUP-SP-12-05

PROJECT DATA:	
Acreage:	5.673 acres
Building Size:	One two-story building, 35 feet in height
	48 units; 24 - 1 bedroom & 24 - 2 bedroom units
Building Material and Color:	The front and rear elevations are 64% red brick and sides 53% red brick.
	The remainder of the elevation is comprised of sand or beige and green vinyl siding, white trim and a gray asphalt shingle roof.
Landscape and Buffer Requirements:	The plan as proposed meets the requirements of the Landscape Ordinance.
	Tree cover requirements are met with existing vegetation.
	Buffers are shown as required. A 25 foot street buffer along Timber Drive East and a 15 foot street buffer adjacent to New Rand Road.
	A 25 foot perimeter buffer along the north property line and a 15 foot perimeter buffer along the east property line.
Parks & Open Space:	This project shall be assessed a fee-in-lieu of parkland dedication at the rate of \$840 per dwelling unit.
Parking Spaces:	Required: 84 which includes 4 accessible spaces Proposed: 50 of which 8 are accessible spaces

The applicant has requested a reduction in the amount of parking required. A letter requesting the reduction and a justification has been included with this report.

The *ITE* (Institute of Transportation Engineers) *Parking Generation* manual (2010) indicates the peak parking demand for Senior Adult Attached Housing to be 0.59 per dwelling unit, which equates to 29 parking spaces for this development.

Section 7.4(C) of the UDO allows Council to grant a deviation from required parking standards if it believes it is appropriate to do so.

Staff has reviewed this matter and based on ITE data we have no objections to the request for reduced parking.

Floodplain: This site does not contain a FEMA designated

floodplain.

Stormwater Management: Please refer to General Comments.

Fire Protection: The plan, as proposed, meets fire code

requirements.

Building Sprinklered: Yes

Number of fire hydrants provided on-site: 3

Number of fire hydrants within 300 feet of the

building:

Required fire flow: 2125 gpm

Provided fire flow: 3030 gpm

Water/ Sewer: Public sewer connection is proposed to the

3

existing line running along a portion of the north

property boundary.

Extension of the public water main from New Rand Road will provide water service for the

project. This extension will require

construction drawing approval from the City

of Raleigh.

Street Access/ Sidewalks: Timber Springs will have two points of access.

The main entrance will be off Timber Drive East

with a full service driveway.

A gated secondary entrance off the New Rand Road cul-de-sac is proposed for emergency

service vehicles only.

On site sidewalks have been provided for

pedestrian access to both Timber Drive and New

Rand Road.

General Comments:

<u>Storm-water management</u> - This project is subject to nitrogen water quality requirements as well as water quantity requirements. Due to the limited percentage of impervious surface on the project the post-development nitrogen export is below the 10 lbs./ac./yr. threshold. As such a best management practice (BMP) is not required for water quality purposes. However the nitrogen export is above the 3.6 lbs./ac./yr. limit. Therefore an offset payment to the North Carolina Ecosystem Enhancement Program will be required.

Detention of the peak runoff to pre-existing conditions for the 1 year and 25 year storm will be accommodated within a proposed underground stormwater detention facility on-site.

Consistency with Adopted Town Plans and Policies:

2006 Comprehensive Growth Plan: This site falls within the Community Core at Timber Drive

and Benson Road; the project is consistent with the

Comprehensive Growth Plan.

2010 Garner Thoroughfare Plan: This project, as proposed, is consistent with the

Thoroughfare Plan.

Parks & Greenway Plan: This project, as proposed, is consistent with the Parks and

Greenway Plan.

Unified Development Ordinance

Regulations:

This project, as proposed, is consistent with the regulations

of the Unified Development Ordinance.

RECOMMENDATION:

The Town Council will need to vote on the rezoning application prior to voting on the conditional use permit application.

Rezoning Action

According to the *Town of Garner Comprehensive Growth Plan*, approximately 4.5 acres of the rezoning site is located within the *Community Core Area* (C1) at the intersection of Timber Drive East and NC 50. The Community Core Area is designed to accommodate community-scale retail services needed less frequently than on a daily basis. It is generally characterized as being suitable to act as a hub for a large service area of the community and is typically developed at the intersection of major thoroughfares. A small area of the rezoning is designated as a *Community Mixed Use Area* by the Plan.

The recommended zoning districts for a **Community Core** area include: NC, O&I, NO, MXD, CR, MF 1, MF2, PUD, and SB-CUD (outdoor storage restricted). The recommended zoning districts for a **Community Mixed Use** area include: NC, O&I, NO, MXD, MF 1, MF2, PUD, and TND.

The requested zoning change from Office & Institutional C152 (O&I C152) to Multi-Family 2 C164 (MF-2 C164) is consistent with the *Comprehensive Growth Plan*. Based on the recommendations of the Plan for this area of the community, the Planning Commission and staff recommend approval of Rezoning Application CUD-Z-12-03.

Note: The Council will need to use the attached Rezoning Motion Form as a guide when making a motion on the attached Ordinance regarding this rezoning application.

Conditional Use Permit Action

The Planning Commission and staff have reviewed the site plan application and find it to be complete and in compliance with the UDO, therefore we recommend approval of Conditional Use Permit Application CUP-SP-12-05 with two conditions specific to the project as listed on the attached **Permit**.

h:\shared planning files\permits and plans\2012\cup_sup site plans\cup-sp-12-05, timber spring\staff report\cud z 12-03_finaltc_report.doc

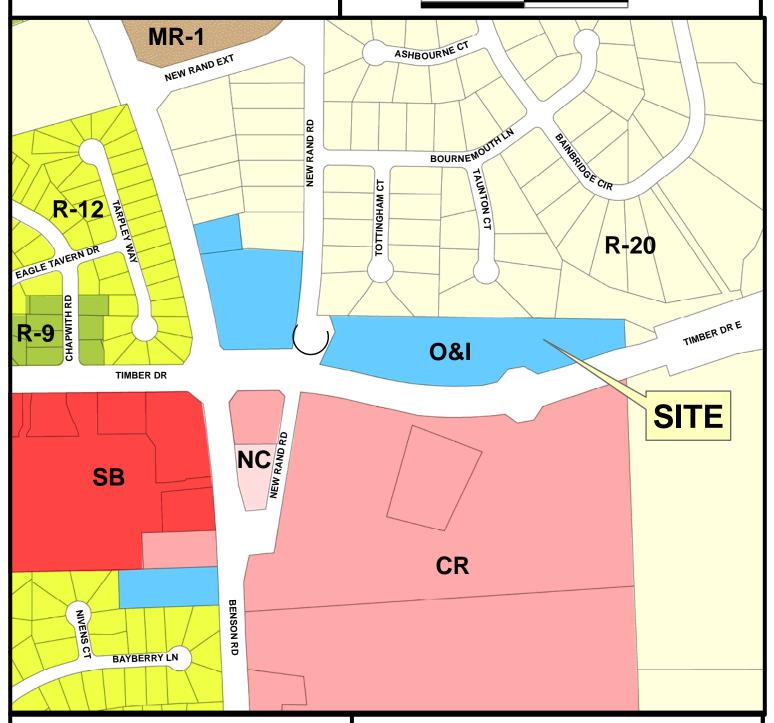
Town of Garner Planning Department

Conditional Use Applications CUD-Z-12-03 & CUP-SP-12-05

400



800 Feet



Project: Timber Spring

Property Location: Timber Drive East
Property Owner: Bobby & Brenda Fowler
Applicant: Evergreen Construction Company

PIN: portion of 1710848645

PAGE-112-

Case: CUD-Z-12-03

Current Zoning: O&I (Office and Institutional)

Proposed Zoning: MF-2 (Multi-family)

Conditional Use (MF-2 C164)

Project Acreage: 5.7 Overlay: Timber Drive East

Case: CUP-SP-12-05 Existing: Undeveloped

Proposed: Senior Living Community

REZONING ACTION MOTION WORKSHEET

Application #: CUD-Z-12-03 from O&I C-152 to MF-2 C-164
Applicant: Evergreen Construction Company

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application CUD-Z-12-03 (x) complies with the Town's Comprehensive Growth Plan (OR) () does not comply with the Comprehensive Growth Plan; (AND) that the zoning application CUD-Z-12-03 is reasonable and in the public interest because it will likely (use as many of the following as are appropriate): () allow the development of an appropriate density of housing in the area in which it is located; () allow appropriate types of business at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area; () allow appropriate types of business at the described location which will provide employment opportunities for citizens; () allow the types of businesses at the described location which will enhance the Town's economic development, () allow the types of businesses at the described location which will likely enhance the Town's tax base. (AND) I therefore move that the Council (x) accept the recommendation of the Planning Commission and adopt Ordinance No. approving rezoning request number CUD-Z-12-03. (OR)

() adopt Ordinance No._____ approving rezoning request number Z _____

MOTION TO DENY REZONING REQUEST:

ORDINANCE NO. (2012) 3661

AN ORDINANCE AMENDING THE TEXT OF THE GARNER LAND USE ORDINANCE TO CREATE A NEW CONDITIONAL USE ZONING DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO APPLY THE NEW ZONING CLASSIFICATION

WHEREAS, The Town Council has received a petition requesting that a new conditional use zoning district be established and that this new district classification be applied to the applicant's property.

WHEREAS, the Town Council is authorized by the Town Charter to establish conditional use zoning districts:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER ORDAINS:

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by Evergreen Construction Company in Rezoning Application No. **CUD-Z-12-03**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the **Multi-Family 2 (MF-2) (C-164).** Within this district, all of the regulations that apply to property within the **Multi-Family 2 (MF-2) (C-164)** zoning district shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

Only the following uses are permitted for Conditional Use Zoning District Multi-Family 2 (MF-2) (C-164):

- Residential cluster
- 2. Duplexes
- 3. Townhome
- 4. Condominium
- 5. Triplexes & apartments
- 6. Family Care Home
- 7. Group Care Home
- 8. Intermediate Care Home
- 9. Community Center
- 10. Schools public or private
- 11. Public safety: fire, police, rescue squad, ambulance

- 12. Continuing care retirement facility
- 13. Public Parks, swimming pool, tennis courts, golf course
- 14. Churches, religious institutions
- 15. Private parks
- 16. Bed and Breakfast

Section 3. The official Zoning Map of the Town of Garner is amended by changing the zoning classification of the property identified below and as shown on a map in application file:

Owner(s)	Tract No.	Existing Zoning	New Zoning
Bobby & Brenda	Northern portion of	Office and Institutional	Multi-Family 2
Fowler	1710848645	(0&I) (C-152)	(MF-2) (C-164)

Section 4. The Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption of this ordinance. In addition, a copy of this ordinance shall be filed in the Planning Department.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. That the Town Clerk shall cause a duly certified copy of this ordinance to be recorded in the office of the Wake County Register of Deeds.

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this day of May 20	712.
	MAYOR
TOWN CLERK	
Ordinance No. (2012) adopted by the	of Garner hereby certify that this is a true copy of the Town Council of the Town of Garner in regular Minute Book No() in the office of Olina.
In WITNESS WHEREOF, I have hereu Garner, this day of May 2012.	unto affixed my hand and the seal of the Town of

TOWN CLERK

TOWN OF GARNER CUP-SP-12-05 CONDITIONAL USE PERMIT

APPRO	VE TH	IE PERI	MIT
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APPLICANT	Evergreen Construction Consultants
	Attn: Mr. Tim Morgan
	7706 Six Forks Road
	Raleigh, NC 27615
LOCATION	North side of Timber Drive East, east of NC 50 (Benson Rd)
USE	Residential Facility (48 units)
DATE ISSUED	May 7, 2012

I. COMPLETENESS OF APPLICATION

The application is complete.

II. COMPLIANCE WITH ORDINANCE REQUIREMENTS

The application complies with all applicable requirements of the Unified Development Ordinance including Section 3.14 E. Special use review criteria.

III. GRANTING THE APPLICATION

The application is granted, subject to the following conditions:

- The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Town Council, a copy of which is filed in the Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in the Unified Development Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) All applicable permit approvals shall be obtained by the applicant.

IV. SPECIFIC TO THE PROJECT

- 1. Prior to issuance of a building permit, a petition for annexation must be submitted to the Planning Department.
- 2. Prior to issuance of a building permit, a fee-in-lieu of parkland dedication in the amount of \$840 per unit shall be posted with the Town of Garner.

Cc: Mr. & Mrs. Bobby Fowler 1011 New Rand Road Garner, NC 27529

> Baker Engineering Consultants Attn: Rick Baker 605 Adams Street Raleigh, NC 27605



February 29, 2012

Mr. Brad Bass Town of Garner 900 7th Avenue Garner, NC 27529

Re: Parking Reduction Request

Proposed Timber Spring Development

Dear Mr. Bass:

As part of our site plan approval, I would like to request a parking reduction for our proposed forty-eight (48) unit senior development.

Code requires 1.5 spaces per one bedroom unit and 2 spaces per two bedroom unit which equates to 84 spaces. Our site plan proposes 50 spaces, which we believe is more than adequate for our residents needs.

Evergreen Construction Company currently manages 14 senior rental communities across the state and on average, only 50% of the residents have a car. I have included a listing of those communities for your review.

Therefore we believe that the 50 spaces we are proposing is more than adequate and request that staff consider this when making recommendations to the town boards.

Sincerely,

Timothy G. Morgan

Throthy D. morga

Vice President

Enclosure

Evergreen Construction Company Senior Rental Portfolio (1/17/12)

Development Name	Location	# of Rental Units	# of Parking Spaces	# of Residents	# of Cars	% of Cars To # Units
Ashton Spring	Ayden	25	42	27	12	48%
Auburn Spring	Burlington	48	72	55	28	28%
Autumn Spring	Raleigh	48	41	51	34	71%
Azalea Gardens	Murfreesboro	33	51	32	10	30%
Berkeley Spring	Raleigh	36	. 32	35	18	20%
Cedar Spring	Wendell	20	24	23	15	75%
Garden Spring	Raleigh	33	31	36	90	18%
Lions Spring	Clayton	48	49	55	38	%62
Meadow Spring	Raleigh	33	35	34	11	33%
Silver Spring	Zebulon	33	44	35	20	61%
Terrace Spring	Raleigh	48	41	51	34	71%
Weatherstone Spring	Cary	72	62	77	30	42%
Willow Spring	Greenville	33	35	28	05	15%
Windsor Spring	Raleigh	39	21	42	18	46%
					Average	20%

Town of Garner Town Council Meeting Agenda Form

Meeting Date: Monday, May 7, 2012

Subject: Amendment No. 1 to Kimley-Horn for downtown improvements

Location on Agenda: New/Old Business

Department: Engineering

Contact: Frank Powell

Presenter: Frank Powell

Brief Summary:

This amendment to Kimley-Horn's existing engineering services agreement provides for the preliminary design of several of the historic downtown Garner transportation improvements discussed by the Council at the January worksession. In addition this amendment also provides for the final design of the proposed sidewalk on Main Street from Pearl Street to NC 50 and on NC 50 from US 70 to Garner Road.

Recommended Motion and/or Requested Action:

Approve Amendment No. 1 to Kimley-Horn's existing engineering services agreement

Detailed Notes:

A copy of Amendment No. 1 and an accompanying memorandum to the manager will be included in this submittal

Funding Source:

Fund Balance

Cost: \$231,875

One time • Annual •

Manager's Comments and Recommendations:

This is in furtherance of Council-established goals outlined during 2011 and 2012 and further reinforced during the February 2012 Council Retreat. Much of the information to be obtained through this proposed work will be useful in defining and refining a possible bond referendum for later in 2012. The Garner Revitalization Association (GRA) has expressed their verbal support of this work as it will build an important information foundation for projects deemed helpful in furtherance of the Historic Downtown Garner Plan (HDGP). Approval is recommended.

Attachments Yes	No C	
Agenda Form Reviewed by:	Initials	Comments
Department Head	FHP	Enter Comments.
Finance Director	Enter Initials.	Enter Comments.
Town Attorney	WEA	The Town Attorney has reviewed this amendment.

Town Manager	HW	None.
Town Clerk	Enter Initials.	Enter Comments.

TOWN OF GARNER

MEMORANDUM

TO: Hardin Watkins

Town Manager

FROM: Frank H. Powell, Jr., PE

Town Engineer

DATE: April 18, 2012

SUBJECT: Amendment No. 1

Kimley-Horn Engineering Services Agreement Historic Downtown Transportation Improvements

Attached is a copy of the proposed Kimley-Horn Amendment No. 1 for professional services associated with the proposed transportation improvements in the historic downtown area. The scope of the amendment reflects the items of work, and their level of design as directed by the Town Council at their January Work Session. It is noted that the amendment, as presented, is the result of numerous conversations and several meetings with the engineer in an effort to refine the final scope of services and to reduce costs where practical. A brief summary of the work to be conducted follows:

A significant portion of the work and associated fee is associated with the design of the proposed sidewalk along Main Street from Pearl Street to NC 50 and along NC 50 from US 70 (Hudson's Hardware) to Garner Road. This portion of the work involves detailed survey and design of the sidewalk to a level that will result in detailed construction plans. It was noted during the discussion with the consultant that a significant portion of this work effort is associated with that short section of sidewalk along NC 50 from Main Street to Garner Road. In this section the sidewalk passes below the existing railroad bridge. As such extensive coordination will be required with NC Railroad for the work within the railroad right of way. Also a retaining wall will be required where the sidewalk passes beneath the bridge.

The second largest portion of the work is associated with the preliminary design of the Montague Street improvements. The proposed scope of services provides for obtaining detailed surveys which can ultimately be used for final design, although at this point the consultant is only tasked with developing a 30% design level. This arrangement was directed by the Council so that final design could proceed rapidly in case it is decided that the Southeast Wake County Library is to be relocated to Montague Street. It is noted that the preliminary design will include the turn lanes at the intersection of Montague Street and US 70. It is also noted that although preliminary right-of-way and easement requirements will be developed based upon the preliminary plans, no right-of-way acquisition plats will be developed at this

time as part of this amendment. One issue that has arisen during the discussion of this particular item of work concerns the timing of the survey work. There is some concern that if we proceed with the field survey work before this project is publically identified as a potential bond referendum project then it might cause some confusion/concern within the immediate neighborhood. I have discussed this issue with the consultant and it has been agreed that the notice-to-proceed can be delayed if deemed necessary or desirable.

A third piece of this amendment is to preliminarily identify the right-of-way requirements and property impacts associated with the Purvis Street improvements. As such this item of work will not involve any field surveying or preliminary design, but will only provide for a conceptual layout of the proposed Purvis Street improvements.

Included in the amendment is work associated with making the intersection of Garner Road and Benson Road more pedestrian friendly. This will involve looking at the feasibility of eliminating the channelized free flow eastbound right turn from Garner Road onto Benson Road. In order to evaluate this feasibility a traffic analysis is included in the scope of services for this item of work.

The engineering services amendment will also perform a schematic stormwater analysis for the downtown area. The purpose of this analysis will be to determine and recommend the types of stormwater best management practices (BMPs) needed to comply with the Town's stormwater requirements along with the associated land areas that will need to be reserved in order to accommodate these BMPs.

Another element of work associated with this amendment is to provide for a very preliminary design for the proposed New Rand Road improvements between Main Street and US 70 in an effort to determine right-of-way requirement and to develop opinions of probable construction cost. Initially it was concluded that field horizontal and vertical surveys would be needed in order to develop this desired work product. However after much discussion and further investigation it was determined that field surveys could be delayed until such time as a functional design is needed. As it turns out most of the existing right-of-way in this area is prescriptive only (ie., ditch line to ditch line). As such right-of-way will be needed for just about all of the properties and detailed surveys at this time are of limited benefit. As such existing GIS topographic/planimetric information will be used instead. It was decided that due to the excessive amount of utilities in the area it would be of use to obtain some ground survey information for existing utilities in the area. During the development of the scope of services for this item the consultant noted that in order to make improvements on New Rand Road north of US 70, NCDOT would likely require that some limited improvements on New Rand Road south of US 70 would be required in order to make the travel lanes align properly at the New Rand Road/US 70 intersection. The amendment includes evaluating this NCDOT requirement.

A final piece of the amendment is the development of a conceptual horizontal alignment layout and opinion of probable construction costs for lane widening of US 70 from where the proposed US 70/White Oak Road project stops (Morris Drive) to the Benson Road bridge. This element of work will utilize existing GIS topographic/planimetric information to develop the base mapping.

The proposed fee for all of this work is \$231,875. While at first glance the fee seems somewhat high I will note that the amendment covers many different work areas. Also I will note that the consultant and I have worked together to refine the scope of services in an effort to reduce the fee.

AMENDMENT NUMBER 1 TO THE AGREEMENT BETWEEN THE CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.

AMENDMENT NUMBER 1 DATED March 26, 2012 to the agreement between the Town of Garner, ("Client") and Kimley-Horn and Associates, Inc., ("Consultant") dated December 21, 2011, ("the Agreement") concerning US 70 / White Oak Road / Jones Sausage Road and Historic Downtown Area Improvements (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the Client to the Consultant, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CLIENT:	CONSULTANT:
TOWN OF GARNER, NC	KIMLEY-HORN AND ASSOCIATES, INC.
By:	By: Charles A. Nuckols II
Title:	Title: Senior Vice President
Date:	Date: March 26, 2012

Consultant shall perform the following Additional Services:

Project Understanding

The original US 70 / White Oak Road / Jones Sausage Road and Historic Downtown Area Improvements contract has a provision (*Task 11*) that other improvements and/or planning within the Town's historic downtown area were to be scoped and performed on a later timeline. A Town Council Work Session agenda item defined the scope of services to include the following:

Benson Road and W. Main Street Sidewalk Projects

Project Description: Prepare design package for a proposed sidewalk along the east side of Benson Road from approximately 200' north of US 70 bridge north to W. Garner Road. Proposed sidewalk in this area will require design and installation of curb and gutter and enclose drainage system along the east side of Benson Road. The project will include a proposed retaining wall under the existing railroad bridge. The sidewalk design package will also include a proposed sidewalk along the south side of W. Main Street from Benson Road east to Pearl Street. W. Main Street currently has existing curb and gutter along the south side. The scope of services will include survey, final design, specifications, NCDOT and R/R coordination/approval and encroachment agreements, right-of-way plats and Opinions of Probable Construction Cost (OPCC).

Montague Street Improvements

Project Description: Develop 30% design and OPCC for the ultimate and interim typical sections as presented for the January 2012 council work session. The project limits will be from US 70 north along existing Montague Street to W. Main Street. The 30% design will include an eastbound left turn lane and westbound right turn lane on US 70. The scope of services will include field survey, horizontal and vertical alignments, streetscape elements, and construction limits (to determine the project footprint). No right-of-way plats will be prepared at this time.

New Rand Road Improvements

Project Description: Develop 10% design and OPCC for a 3-lane section typical section using available GIS topography mapping and property lines information. The project limits will be from 500' south of US 70 north along existing New Rand Road to W. Garner Road. The scope of services will include horizontal, vertical alignments and SUE.

Purvis Street Improvements

Project Description: Develop a conceptual horizontal alignments and OPCC using available GIS topography mapping and property lines information. The typical section will follow the Town's UDO 55' right-of-way two-lane roadway. The project limits will be from US 70 north along existing Purvis Street extended to W. Main Street. The conceptual layout will include the proposed turn lanes on US 70. The scope of services will determine the approximate right-of-

way requirements, number of property owners impacts, and potential structure impacts that may be required.

W. Garner Road / Benson Road Intersection Improvements

Project Description: Perform a traffic analysis, conceptual layout, and OPCC for the proposed modifications to the intersection of West Garner Road at Benson Road. The *Garner Streetscape Master Plan* dated November 2009, proposes removal of the channelized free flow eastbound right turn, pedestrian crosswalks, and decorative traffic signal poles.

US 70 Improvements

Project Description: Develop a conceptual horizontal alignment layout and OPCC to widen an additional eastbound and westbound lanes on US 70 from Benson Road tying to the planned improvements at the US 70 / White Oak Road / Jones Sausage Road intersection near Morris Drive. The conceptual layout will be developed using available GIS topography mapping, property lines information, and limited cross pipe field information. Field surveys and traffic analyses will not be performed.

Historic Downtown Schematic Stormwater Analysis

Project Description: Perform a schematic level stormwater analysis for the downtown area as defined in the *Historic Downtown Garner Plan*, dated May 2010. The purpose of the analysis will be to recommend types of stormwater management measures, estimating overall land areas to be reserved for stormwater management, and recommend locations for stormwater measures.

KHA will provide the services specifically set forth below.

Scope of Services

Task 11A -Survey

Survey Limits

Benson Road Sidewalk Project

Begin survey 150' north of the US 70 bridge and continue to the north side of W. Garner Road. The corridor width will be the western edge of pavement along Benson Road to 25' beyond the eastern edge of pavement. Additional coverage will be obtained at the Benson Road /W. Garner Road intersection.

W. Main Street Sidewalk Project

Begin survey at Benson Road and continue to 50' east of Pearl Street. The corridor width will be the northern edge of pavement along W. Main Street to 15' beyond the southern edge of pavement. Locate topography and storm drainage within the corridor limits.

Montague Street Improvements

Begin survey at US 70 and continue to the north side of W. Main Street to 50' east of Pearl Street. The corridor width will be 40' beyond the western edge of pavement along Montague Street to 100' beyond the eastern edge of pavement. Additional coverage will be obtained for the turn lanes on US 70.

New Rand Road Improvements

Begin SUE survey 500' south of US 70 and continue to the north side of W. Garner Road. The corridor width will be 40' beyond the western and eastern edges of pavement along New Rand Road. Note that survey control and SUE B service will be done for New Rand Road.

General Survey Requirements

Survey Control: McKim & Creed will establish Survey Control within the project limits to NCDOT standards and specifications. Rebar and caps will be set for the survey control.

Temporary Benchmarks: One temporary benchmark will be set within the project limits for each of the four project areas.

Courthouse Research: McKim & Creed will perform courthouse research for approximately 9 properties within the survey limits for Benson Road, and approximately 20 properties within the survey limits for Montague Street.

Property Owner Contacts: McKim & Creed will prepare letters for affected property owners for the Town's signature.

Property Surveys: McKim & Creed will perform property surveys including property recon and calculations. This will be performed per NCDOT standards to tie the potential take lines. Property will be mapped per NCDOT standards. Existing R/W lines will be set using existing deeds and plats and evidence collected in the field.

Topography (DTM): McKim & Creed will collect DTM information in order to produce accurate contours within the survey limits.

Planimetric Mapping: McKim & Creed will map all planimetric features within the survey limits.

Location of Gravity Utilities and Pipe Inverts: McKim & Creed will survey and map all drainage features within the project limits. This information will include connectivity, pipe sizes and inverts as per NCDOT standards.

Subsurface Utility Engineering (SUE): McKim & Creed will perform Level B SUE services within the project limits.

Production of Base Mapping: All mapping for the services listed above will be to NCDOT standards and mapped in Microstation with Geopak databases. The mapping will be English and at a scale of 1"=50'.

Traffic Control and Safety: Time will be allowed for traffic control per NCDOT standards.

Project Management & Supervision: Time will be allowed for a PLS to manage this project.

Recordable Right-of-Way and Easement Plats: McKim & Creed will produce recordable plats in strip format to show the R/W and Easements takes. These maps will include all language needed for recordation at the Wake County Register of Deeds. Maps will be compliant with GS 47-30 Mapping Requirements. Plats will not be prepared for Main Street, Montague Street, and New Rand Road project areas.

McKim & Creed is scoped to provide the following deliverables:

Electronic

- 4 DTM design files
- 4 TIN files
- 4 Planimetric design files
- 4 Hydraulic design files (Drainage structures)
- 4 Property design files
- 4 SUE Level A Test Hole Reports
- 4 Baseline design files (Survey Control)

Hardcopy

Recordable Plats in Strip format for the Benson Road and West Main Street projects

Exceptions:

- Metes and Bounds descriptions
- Individual Plats
- Geotech
- R/W & Easement Staking

Task 11B -Benson Road and W. Main Street Sidewalk Design

KHA will prepare one bid package that will include the sidewalk improvements along both Benson Road and W. Main Street as described in the project understanding. The proposed sidewalk along Benson Road will require design and installation of curb and gutter and enclose drainage system along the east side of Benson Road. The project will include a proposed retaining wall under the existing railroad bridge. W. Main Street currently has existing curb and gutter along the south side. It is anticipated that this curb and gutter and enclosed drainage system will remain.

Task Coordination

We will make appropriate staff available for project review/coordination meetings as requested by the Town. This task includes miscellaneous meetings and coordination throughout the duration of the project with other agencies such as NCDOT, utility owners, property owners, subconsultants, and railroad.

Railroad Coordination

Moffatt & Nichol will provide coordination services with the North Carolina Railroad (NCRR) and Norfolk Southern Railway (NS). These services will include the following:

• Preliminary Data Collection

- Moffatt & Nichol will contact NS to request design plans for the existing bridge structure. If plans are available, Moffatt & Nichol will evaluate the plans to determine what design parameters need to be addressed by KHA for design and elevation of the proposed sidewalk under Benson Road.
- O Moffatt & Nichol will coordinate with the Railroad to acquire the Right of Entry Agreement that will have to be completed and submitted by the surveying consultant prior to surveying within the railroad right of way. Moffatt & Nichol will coordinate with the surveyor and the railroad to get the agreement processed and approved.

• Field evaluations

 Moffatt & Nichol will perform a field evaluation of the area within the NCRR ROW under the Benson Road bridge and the proposed sidewalk area between Benson Road and Pearl Street.

• Design Development

- o Moffatt & Nichol will coordinate with KHA, NS Railway and NCRR to provide design parameters required by the railroad through the design process.
- o Moffatt & Nichol will attend several separate coordination meetings with NS and NCRR to review conceptual plans, and final plans to acquire NS and NCRR approval of the final design of the proposed infrastructure improvements proposed on the NCRR right of way for the sidewalk under the railroad bridge at Benson Road and the sidewalk along West Main Street between Benson Road and Pearl Street.
- Moffatt & Nichol will coordinate with Norfolk Southern and North Carolina Railroad to acquire the anticipated encroachment agreement that will be required for the new infrastructure on the NCRR right of way.

Preliminary Design

Given the nature of the project corridor (utilities and railroad crossing), it is recommended that KHA and the Town have a pre-design meeting in the field to discuss the proposed sidewalk routing. The preliminary design will be based on the concepts agreed upon in the pre-design meeting. The conceptual design will seek to reduce railroad, utility, and property impacts.

Based on the selected conceptual design, KHA will prepare preliminary design of the sidewalk design to ADA standards. We will submit the preliminary design to the Town to review.

Final Plans

Incorporating preliminary design plans comments from the Town, KHA will develop final construction plans. The construction plans include sidewalk layout, typical sections, special details, cross sections, drainage and erosion control, and traffic control details. Using the proposed cross sections, KHA will develop construction limits, proposed rights of way, and permanent and temporary construction easements for the project. Plats will be prepared by our surveyor.

Based on the design parameters obtained from NCRR and NS, KHA will prepare retaining wall design to extend the proposed sidewalk under the railroad bridge. The sidewalk will need to be

cut into the end slope of the end span for the railroad bridge. It is assumed that the retaining wall can be design with minimal impact on the rail road bridge with approvals from NCRR and NS. It is assumed that no modifications will be required to the existing rail road bridge. It is anticipated that the retaining wall design type will be cast-in-place concrete cantilever retaining wall on spread footing. Bridge plans have been requested from NCRR to confirm scoping assumptions.

The plans will show the existing utilities as identified by the surveyor. We will notify the Town of any significant and readily identifiable utility conflicts during final plan development. We will coordinate any proposed utility conflicts with the Town upon approval of the plans. We will coordinate streetlight/ pedestrian lighting locations for sidewalk lighting under the bridge structure. It is not anticipated that lighting will be attached to the bridge or retaining wall structure. Identifiable surface conflicts with existing water lines, which would include the possible relocation of valves, hydrants, and blow-offs, will be shown on the construction plans. It is assumed that the utility companies will prepare their own private utility relocation plans. We will prepare utility relocation plans for public utilities, if required.

Complete engineering plans including plan sheets, specifications, and quantities will be prepared and incorporated into the construction documents. All specifications will be based on Standard Specifications from Town and NCDOT Standards. It is anticipated that local funding (i.e. not State or Federal) sources will be used for both the design and construction of this project.

Once the plans have been compiled into plan and profile sheets, KHA will perform an internal review of the calculations and design. Following internal review, KHA will submit the plans to the Town for review. At this time KHA will provide a copy of the necessary right of way encroachment agreement erosion control permit application for review and signature.

KHA will prepare an Opinion of Probable Construction Cost (OPCC) estimates based the preliminary plans and final on final bid items in the contract proposal.

Three (3) sets of right-of-way plans will be submitted to Town and NCDOT District Office for review.

Bid Phase Services

KHA will issue a bid advertisement and bid package for the submittal of quotations to perform the work. We will setup and attend a pre-bid meeting for this project. KHA will reproduce up to 5 sets of contract documents which will include construction plans, contract proposal bid forms, quantities, technical specifications, project special provisions, bond forms, and other necessary documents. KHA will set up an external FTP site for electronic distribution of the contract documents.

KHA will respond to Contractor's request for information and clarifications, issue formal addenda, and attend the bid opening. We will tabulate the bids received and evaluate the compliance of the bids received with the bidding documents. We will prepare a written summary of this tabulation and evaluation together with a recommendation for the award of the construction contract.

Task 11C Montague Street Improvements

KHA will develop 30% designs and OPCC for the ultimate and interim typical sections including streetscape elements as presented for the January 2012 council work session. The project limits will be from US 70 north along existing Montague Street to W. Main Street. The 30% design will include an eastbound left turn lane and westbound right turn lane of US 70. The scope of services will include field survey, horizontal and vertical alignments, streetscape elements, and construction limits.

Roadway Design - Preliminary Phase Services

Upon receipt of survey information, KHA will prepare preliminary plans including title sheet, typical sections, streetscape elements, horizontal and vertical alignments, and cross sections. The preliminary plans will include drainage cross pipe sizing for cross pipes and drainage system layout for use in developing the OPCC. Drainage system calculations will not be performed at this time. Preliminary right-of-way and easement requirements will be established based on the preliminary plans but may be subject to future revisions when the final design it completed including drainage and erosion control features. The plans will generally follow NCDOT plan format and will be prepared at 1"=50' scale.

Landscape Architecture - Preliminary Phase Services

- Conduct a preliminary design field visit to verify survey data and note existing site conditions.
- Coordinate with roadway engineers to determine proper roadway sections and phasing
- Review the approved Garner Streetscape Master Plan to develop a consistent material
 palette and approach for proposed hardscape and landscape features to be incorporated
 into the final streetscape design.
- Coordinate with appropriate Town staff in conversations regarding streetscape maintenance and preferred landscape materials during this phase.
- Prepare conceptual design drawings for hardscape and landscape components along the corridor. These elements include:
 - 30% Streetscape Plans:
 - o Street tree locations and shrub massing (where applicable)
 - o Street lighting We will coordinate street lighting with the local utility providers and the Town to establish a conceptual approach to lighting the corridor. This will include recommended light fixture selection, and general locations of street lighting. No photometric analysis will be produced. We will coordinate the lighting locations with proposed streetscape elements. We will discuss with the utility provider the possibility of undergrounding the existing overhead utilities as part of the future street lighting/relocation plan.
 - Hardscape Identify conceptual hardscape locations for sidewalks, street furnishings, crosswalks, special paving treatments, and other streetscape elements.

o Site furnishing recommended locations and sample products

Task Coordination

We will make appropriate staff available for project review/coordination meetings as requested by the Town. This task includes miscellaneous meetings and coordination throughout the duration of the project with other agencies such as NCDOT, utility owners, property owners, and subconsultants. It is anticipated that Tasks C-H coordination and meetings will be combined.

Utility Coordination

KHA will identify readily discernable utility conflicts. KHA will coordinate with the affected utility companies to obtain estimates of anticipated utility relocation cost. The relocation cost provided by the utility companies will be used in the Opinion of Probable Construction Cost. KHA will prepare cost for public utility relocations, if needed.

Opinion of Probable Construction Cost

KHA will prepare an Opinion of Probable Construction Cost (OPCC) estimate based on preliminary plans construction and utility related items for both the ultimate and interim typical sections. OPCC will not include right-of-way or easement cost.

Task 11D New Rand Road Improvements

KHA will develop 10% design and OPCC for a 3-lane section typical section. The project limits will be from 500' south of US 70 north along existing New Rand Road to W. Garner Road. The scope of services will include field survey, horizontal and vertical alignments.

Roadway Design - Preliminary Phase Services

Upon receipt of survey information, KHA will prepare preliminary layout including, typical section and horizontal and vertical alignments. Preliminary right-of-way and easement requirements will be established based on the preliminary layout but may be subject to future revisions when the final design it completed.

Task Coordination

We will make appropriate staff available for project review/coordination meetings as requested by the Town. This task includes miscellaneous meetings and coordination throughout the duration of the project with other agencies such as NCDOT, utility owners, property owners, and subconsultants. It is anticipated that Tasks C-H coordination and meetings will be combined.

Utility Coordination

KHA will identify readily discernable utility conflicts. KHA will coordinate with the affected utility companies to obtain estimates of anticipated utility relocation cost. The relocation cost provided by the utility companies will be used in the Opinion of Probable Construction Cost. KHA will prepare cost for public utility relocations, if needed.

Opinion of Probable Construction Cost

KHA will prepare an Opinion of Probable Construction Cost (OPCC) estimate based on preliminary plans construction and utility related items. OPCC will not include right-of-way or easement cost.

Task 11E Purvis Street Improvements

KHA will develop a conceptual horizontal alignment and OPCC using available GIS topography mapping and property lines information. The typical section will follow the Town's UDO 55' right-of-way two-lane roadway. The project limits will be from US 70 north along existing Purvis Street extended to W. Main Street. The conceptual layout will include the proposed turn lanes on US 70. The scope of services will determine the approximate right-of-way requirements, number of property owners, and potential structure impacts that may be required.

Task Coordination

We will make appropriate staff available for project review/coordination meetings as requested by the Town. This task includes miscellaneous meetings and coordination throughout the duration of the project with other agencies such as NCDOT, utility owners, property owners, and subconsultants. It is anticipated that Tasks C-H coordination and meetings will be combined.

Opinion of Probable Construction Cost

KHA will prepare an Opinion of Probable Construction Cost (OPCC) estimate based on preliminary plans construction and utility related items. OPCC will not include right-of-way or easement cost.

Task 11F W. Garner Road / Benson Road Intersection Improvements

KHA will perform a traffic analysis, conceptual layout, and OPCC for the proposed modifications to the intersection of West Garner Road at Benson Road. The Garner Streetscape Master Plan dated November 2009, proposes removal of the channelized free flow eastbound right turn, pedestrian crosswalks, and decorative traffic signal poles.

Traffic Analysis

We will perform a traffic analysis for the proposed modifications to the intersection of West Garner Road at Benson Road. We will perform AM, Noon, and PM peak hour turning movement counts at this intersection. Existing traffic signal timings will be obtained from NCDOT. Analysis will be performed using Synchro Version 7 software to determine if the removal of the channelized eastbound right turn will significantly impact the operation of the intersection. We will summarize our findings in a technical memorandum for submittal to the Town.

Task Coordination

We will make appropriate staff available for project review/coordination meetings as requested by the Town. This task includes miscellaneous meetings and coordination throughout the duration of the project with other agencies such as NCDOT, utility owners, property owners, and subconsultants. It is anticipated that Tasks C-H coordination and meetings will be combined.

Utility Coordination

KHA will identify readily discernable utility conflicts. KHA will coordinate with the affected utility companies to obtain estimates of anticipated utility relocation cost. The relocation cost provided by the utility companies will be used in the Opinion of Probable Construction Cost. KHA will prepare cost for public utility relocations, if needed.

Opinion of Probable Construction Cost

KHA will prepare an Opinion of Probable Construction Cost (OPCC) estimate based on preliminary plans construction and utility related items. OPCC will not include right-of-way or easement cost.

Task 11G US 70 Improvements

KHA will develop a conceptual horizontal alignment layout and OPCC to widen an additional eastbound and westbound lanes (widening to the outside) on US 70 from Benson Road (NC 50) tying to the planned improvements at the US 70 / White Oak Road / Jones Sausage Road intersection near Morris Drive. The conceptual layout will be developed using available GIS topography mapping, property lines information, and limited cross pipe field information. The conceptual layout will assume that existing turn lanes will remain with the addition of the through lanes (i.e. if an intersection currently has a right turn lane the propose layout will add a through lane and replace the right turn lane).

Task Coordination

We will make appropriate staff available for project review/coordination meetings as requested by the Town. This task includes miscellaneous meetings and coordination throughout the duration of the project with other agencies such as NCDOT, utility owners, property owners, and subconsultants. It is anticipated that Tasks C-H coordination and meetings will be combined.

Utility Coordination

KHA will identify readily discernable utility conflicts. KHA will coordinate with the affected utility companies to obtain estimates of anticipated utility relocation cost. The relocation cost provided by the utility companies will be used in the Opinion of Probable Construction Cost. KHA will prepare cost for public utility relocations, if needed.

Opinion of Probable Construction Cost

KHA will prepare an Opinion of Probable Construction Cost (OPCC) estimate based on preliminary plans construction and utility related items. OPCC will not include right-of-way or easement cost.

Task 11H Historic Downtown Schematic Stormwater Analysis

KHA will perform a schematic level stormwater analysis for the purpose of addressing the following issues:

• recommended types of stormwater management measures (BMP) to meet local and state quality and quantity requirements for each drainage area;

- estimating overall land areas to be reserved for stormwater management;
- recommend locations for stormwater measures.

All calculations will be based on the proposed additional impervious area using the adopted *Historic Downtown Garner Plan*.

KHA will prepare a preliminary Stormwater Impact Analysis summary including support calculations in accordance with Town of Garner stormwater regulations.

An exhibit will be prepared to illustrate recommend locations, size, and type of measures. Each proposed location will be analyzed to assess constructability relative to grading and property constraints given available topographic information, existing features and known property constraints. One objective of the study will be to determine the remaining developable property.

Specific evaluation of the recently acquired land at Montague and Hwy 70 will be conducted to determine the impact of the required BMP on that site and implications for development potential.

A brief report will be prepared to document the methodology, assumptions (including land use), and results of the study.

Services Not Included:

- Environmental Assessment
- Stream and Wetland Determination
- Stormwater Conveyance System Design
- Multiple Stormwater Management Designs

Schedule

We will provide our services as expeditiously as practicable with the goal of meeting a mutually acceptable schedule.

Fee and Expenses

For the Additional Services set forth above, Client shall pay Consultant the following additional compensation:

Kimley-Horn will perform the services in Tasks 11A-H and expenses, for the total lump sum fee below. Individual task amounts are informational only. Other tasks can be completed as authorized by the Town as noted below. All permitting, application, and similar project fees will be paid directly by the Client.

Tasks_	<u>Fee</u>
Task 11A –Survey Benson Road/W. Main Street	\$22,400
-Survey Montague Street	\$30,000
–SUE New Rand Road	\$4,600
Task 11B –Benson Road and W. Main Street Sidewalk Design	\$48,715
–M&N R/R Coordination	\$17,450
Task 11C Montague Street Improvements	\$38,570
Task 11D New Rand Road Improvements	\$13,975

Task 11E Purvis Street Improvements	\$9,360
Task 11F W. Garner Road / Benson Road Intersection Improvements	\$11,455
Task 11G US 70 Improvements	\$15,410
Task 11H Historic Downtown Schematic Stormwater Analysis	\$11,240
Expenses	\$8,700
Total Lum Sum Cost	\$231,875

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice.

The SUE Level A "test holes" (if required) will be billed based on the number and total depth of test holes performed.

Planning enforcement summary 4/1/2012 - 4/30/2012

STATUS:	
Completed	2
Pending	8
TOTAL	10
OUTCOMES:	
Pending	8
Referred	1
Unfounded	1
VIOLATIONS:	1
Auto Repair in Residential District	1
Fence Maint.	1
Fence Permit	1
Home Occupation	3
Outdoor Storage	2
Zoning Use	. 2

TOTAL INVESTIGATIONS: 10

Enforcement Report - Planning

(From 4/1/2012 to 4/30/2012)

Dete Entered Case Number Owner Property Address Outcome Status Last Activity Date 4/10/2012 4/9/2012 - Rec'd complaint via Debby that Ms. Senter states her neighbor has installed a 12' privacy fence in the front yard Completed Unfounded 212 LANE OF SIR GAWAINE **DOYLE HOLDING CO INC** Z 12-20 -68 Notes: 4/10/2012

4/10/2012 - Drove by and did not see any new fences.

Completed 800 POWELL DR MORGAN, DOUGLAS VERNON Z 12-16 3/12/2012

3/9/2012 - Rec'd an anonymous phone call that there is auto repair taking place at 800 Powell Drive. NOTES:

3/12/2012 - Photographed the automobiles undergoing repair. Going to confirm the vehicles plates through DMV.

3/14/2012 - Sent plates to NC DMV for identification.

3/15/2012 - Plates came back to the owner of the property. Will follow-up with Paul Ray to see if they are junk.

4/4/2012 - Reviewed with Paul Ray and he agreed that it was a junk vehicle case not auto repair.

Total Completed Cases: 2

4/30/2012 Pending Pending 921 POWELL DR IAHAN SHAIKH LIVING TRUST FASIH AHMED & MEHBOOB 4/30/2012

property and there was a yard sale and signs advertising a yard sale, but no indication that he had been there longer then a few days. Will 4/30/2012 - Received a voicemail via Reggie Buie in regards to a complaint on Powell Drive about a continous yard sale. Inspected the continue to monitor to see if it continously operates as a retail use. NOTES:

SHOW PAGE-140-

services limited in a CR zoning district. Mr. Chisenhall turned in his permit application and I explained that he must be in compliance with the 2/14/2012 - I had met with Mr. Chisenhall multiple times about Mr. Transmission and explained to him all of the regulations for a vehicle

2/15/2012 - I inspected the property and found that they were not in compliance with the UDP at this time. There were several vehicles that appeared to be stored for a period of overnight or longer and there were cars parked on the street due to the lack of parking from storage egulations in order for me to issue a Zoning Compliance Permit and sign for zoning approval on the privilege license.

2/22/2012 - Talked with Mr. Chisenhall and explained that I could not issue the permit until he was in compliance. He inquired about putting up a fence and possibly screening the storage area. I explained to him that he could not have outdoor storage or overnight parking whether it was screened or not and he could talk with the property owner about possibly rezoning.

3/8/2012 - During our weekly enforcement meeting Brad informed me that he had spoken with Mr. Thompson the property owner about the possibility of rezoning the property.

3/19/2012 - I e-mailed the property owner to find out if he had considered his options and a timeline for moving forward.

3/27/2012 - Received a phone call from Mr. Thompson who indicated to me that he had given all of the options to Mr. Chisenhall and it was up to him to move forward with any changes.

3/29/2012 - Sent NOV to Mr. Chisenhall (first class and certified) asking him to come into compliance in order for us to issue his permits.

4/3/2012 - Received Green Card back.

4/5/2012 - Met with Mr. Chisenhall and he stated that the property was currently in compliance with the UDO. I scheduled an inspection for

this afternoon.

4/9/2012 - Inspected the site and found that Mr. Chisenhall was storing vehicles at the Mayflower restaurant. I contacted him and let him know they would need to find a suitable location to store those vehicles.

4/12/2012 - The Mr. Transmission office contacted Brad Bass and myself to request assistance to locate a suitable location for the vehicles to be stored.

4/17/2012 - Sent Mr. Transmission's office a list of potential sites to store the vehicles he is storing at Mayflower restaurant.

4/20/2012 - Received a phone call from Susan who stated that the list of addresses was not leading anywhere and asked that I broaden the search for more properties.

Pending **GLENEWINKEL, LYNN EUGENE** 3/22/2012

GLENEWINKEL, KATHLEEN

1516 BURCHCREST DR

SANDRA

Drive. It appears the fence has some cracks in it and could use repair. It is hard to delineate whether the fence is on the property of 1516 or 3/15/2012 - Rec'd complaint from Brad via Planning Board that there is a fence that has been damaged by an aggressive dog on Timber 1520 Burchcrest. NOTES:

3/22/2012 - Sent courtesy letter to property owner of 1516 to see if it is there fence or their neighbors.

4/1/2012 - Receivd an e-mail from the property owners stating that they had turned the deed in lieu of foreclosure and vacated the house on

3/7/2012. The new owner is: Shapiro & Ingle.

Date Entered	Date Entered Case Number	Owner	Date Entered Case Number Owner Property Address Outcome Status Last Activity Date	Outcome miniminiminiminimini	Status	Last Activity Date
3/20/2012	2 12-17	WCSIII LLC	0 US 70 HWY E	Pending	Pending	4/23/2012
A NOTES:	3/20/2012 - Received a cc	omplaint that the rear of Team P	NOTES: 3/20/2012 - Received a complaint that the rear of Team Powersports on Hwy 70 has been converted into a track for ATV's. I was presented	converted into a tra	ack for ATV's.	I was presented
βE	with picture evidence than	with picture evidence that shows the use and its current enlargement.	enlargement.			
-14	4/3/2012 - All my interne	t research performed confirms tl	1/3/2012 - All my internet research performed confirms that the track has been added. I sent a courtesy letter to the property owner asking	ent a courtesy lette	r to the prope	erty owner asking
41	them to contact me or Jenny regarding the track.	nny regarding the track.				
_	4/09/2012 - Jenny inform	led me that she has had some co	4/09/2012 - Jenny informed me that she has had some conversation with the property owner and he has hired a landscape architect to begin	ner and he has hire	d a landscape	architect to begin

4/16/2012	
Pending	
Pending	
101 ST MARYS ST	
YEARGAN, SHERMAN A JR	YEARGAN, L C
Z 12-12	
2/15/2012	

4/18/2012 - Jenny is meeting with Will Stephenson's landscape architect on Monday, April 23, 2012.

site plan review.

1/23/2012 - Paul forwarded me a complaint via Management and Council that there were vehicles being stored at 101 St. Marys Street. 2/7/2012 - Photographed a trailer being stored on the property. NOTES:

2/15/2012 - After many site visits noticed two trailers stored on the property that appear to belong to the towing company that was 3/8/2012 - Noticed that there are now 3 trailers being stored in this area on the property. I have not heard back from the owner of supposedly just operating an office from this site. It appears that they have expanded their operations. I sent a notice of violation. Hollywood Towing.

3/19/2012 - Saw Hollywood Towing dropping off vehicles in the railroad right-of-way.

3/23/2012 - Sent a Notice of Violation with fines for storing cars in the right-of-way and for the trailers. I sent a copy of the letter (first class only) to the local address at 101 St. Mary's Street.

3/26/2012 - Received a call from Tony with Hollywood Towing, he is going to remove the outdoor storage and not park vehicles on the property anymore. I explained to him the conditions of his approval and will continue to monitor.

4/16/2012 - Received certified card back as unclaimed. Noticed that storage associated with Hollywood has been removed.

1/31/2012

Z 12-7

FARMER, DONNIEL

101 NICHOLSON RD

Pending

4/16/2012

1/31/2012- Noticed a sign in front of this residence advertising Cozy Bear Heating and Air Conditioning. Early this year, I sent a sign violation SHOW PAGE-142-

constructed a chain link fence facing Timber Drive without a permit. Chain link fences cannot face Timber Drive. There was also complaints anonymous complaint in regards to the house being rented and it is not in our rental registration database. I also noticed that they have to the resident and let them know of our requirements for home based businesses and signs in residential districts. I also received an of aggressive dogs and commercial vehicles on the property.

- 3/8/2012 Received another complaint about this property and possible business location/public nuisance/fence problems. Will follow up with owner and tenant.
- 3/13/2012 Noticed two work vans advertising the business parked at the property took down the license plate numbers to verify.
- 3/14/2012 Sent plates to NC DMV for identification.
- 3/15/2012 Received verification from NC DMV that the business is being operated out of the home.
- 3/16/2012 Issued NOV for three violations 1) Home Occupation 2) Fence installed without a permit 3) Not registered as a rental property.
 - 3/27/2012 Received another complaint and photographed a new sign in the yard and a trailer with equipment.
- 3/30/2012 Received all letters back as undeliverable.
- 4/4/2012 Sent NOV to tenant of property. (First class and certified)
- 4/10/2012 Received certified card back signed.
- Occupation. I am faxing her the applications this afternoon. She is also going to forward the rental registration permit to the owner. I faxed the Zoning Compliance Permit - Home Occupation, Zoning Compliance Permit - Fence, Privilege License Application, and Rental Registration 4/16/2012 - Talked with the tenant and she is going to submit a Zoning Compliance Permit - Fence and a Zoning Compliance Permit - Home form to Cozy Bear.
- 4/23/2012 Zoning Compliance Permit Fence received.
- 4/27/2012 Sent e-mail to tenant asking for additional information and the rest of the zoning permits/privilege license. I also asked for the sign to be removed since they have not applied for any permits.

11/23/2011

WILLIAMS, CARL T

1621 BENSON RD

Pending

Pending

4/10/2012

11/18/2011 - Inspected building with Paul Ray and noticed that one of the tenants in the apartment building is operating some kind of ogging operation. There are numerous trees in the back yard and firewood for sale in the front. SHOW PAGE-143-

11/23/2011 - Sent Notice of Violation.

my letter, but did not understand why they could not operate a tree service from this land. I gave him a card and asked him to schedule an 11/30/2011 - Met with Mr. Williams on-site with Paul Ray and asked him to call me about the tree service operation. He had not received

appointment so we could discuss in further detail.

12/12/2011 - Met with Mr. Williams and explained to him that they must stop the operation of the business. He indicated that they would begin to clean up the wood and find somewhere else to store the equipment.

1/30/2012 - Confirmed that the rear of the building has been demolished, there is still more work to be done on the wood operation, but

3/12/2012 - Confirmed that the building has been painted will move forward with my investigation. waiting to get the building painted first.

3/23/2012 - Photographed the remaining logs and the commercial storage of equipment and vehicles. Sent Notice of Violation to Amazon

Tree Service.

3/29/2012 - Received certified and first class letters back as insufficent address.

4/4/2012 - Confirmed addresses asa 1619 A &B Benson Road.

4/5/2012 - Sent NOVs to 1619 A & B.

4/6/2012 - Received phone calls from the owner of Amazon Tree Service and received certified card back signed.

4/9/2012 - Returned phone call and left a message for the owner to call me.

Total Pending Cases: 8

Total Cases: 10

A location may have several signs that only 1 Notice was sent

<u> 2010 - Year to Date I</u>	<u>Totals</u>	2011 - Year to Date Totals		2012 - Year to Date Totals	tals
Banner	<u>79</u>	Banner <u>57</u>	7	Banner	12
Business	515	Business <u>594</u>	41	Business	131
Other	91	Other <u>57</u>	7	Other	34
Political	122	Political 12	21	Political	ကျ
Real Estate	283	Real Estate 151		Real Estate	24
Yard/Garage Sale	664	Yard/Garage Sale 487	7	Yard/Garage Sale	118
Total Signs Violations	1742	Total Signs Violations <u>1358</u>	ΩI	Total Signs Violations	322
Total Removed	<u>1573</u>	Total Removed 1031		Total Removed	292
Total Notices	145	Total Notices 113	<u>~</u>	Total Notices	28

SIGN ENFORCEMENT YEAR-TO-DATE TOTALS

Page 1 of 2

		41	16	29	τ−I	15	74	139	134	41
Sign Enforcement January 2011 to April 2012	<u>April 2012</u>	Banner	Business	Other	Political	Real Estate	Yard/Garage Sale	Total Signs Violations	Total Removed	Total Notices
Sigr Iary 2							- 11			
Janu		41	19	<u>8</u>	0	2	32	09	20	6
	<u>March 2012</u>	Banner	Business	Other	Political	Real Estate	Yard/Garage Sale	Total Signs Violations	Total Removed	Total Notices
		2	38	←	2	2	1	29	20	6
	February 2012	Banner	Business	Other	Political	Real Estate	Yard/Garage Sale	Total Signs Violations	Total Removed	Total Notices
		2	28	-	OI	7	← I	64	28	9
	January 2012	Banner	Business	Other	Political	Real Estate	Yard/Garage Sale	Total Signs Violations <u>6</u>	Total Removed	Total Notices
		PΑ	\GE	-14	5-					

Janua	Sign Enforcement January 2011 to April 2012
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PAGE-146-

"	February 2011	<u>March 2011</u>		April 2011		<u>May 2011</u>		June 2011	
Banner <u>3</u>		Banner	12	Banner	7	Banner	61	Banner	~
Business <u>52</u>		Business	82	Business	70	Business	21	Business	78
Other 1		Other	41	Other	 1	Other	31	Other	4
Political 0	Δ.	Political	Ol	Political	Ol	Political	OI	Political	OI
Real Estate 16 Real	Re	al Estate	14	Real Estate	41	Real Estate	13	Real Estate	9
Yard/Garage $\frac{7}{2}$ Yard	Yard	Yard/Garage Sale	21	Yard/Garage Sale	19	Yard/Garage Sale	53	Yard/Garage Sale	76
Total Signs Total Violations TO	Vic Tot	Signs ations	133	Total Signs Violations	21	Total Signs Violations	157	Iotal Signs Violations	115
Total Removed 72 Total	Total	Total Removed	114	Total Removed	37	Total Removed	69	Total Removed	52
Total Notices Z Total		Notices	<u>16</u>	Total Notices	14	Total Notices	11	Total Notices	4
			** WO	**April totals impacted by Public Works participation in Spring Cleanup	Public ng				
August 2011 Sept	Sept	tember 2011		October 2011		November 2011		December 2011	
Banner $\frac{3}{2}$ Ba	Ва	Banner	← I	Banner	ωI	Banner	- -I	Banner	12
Business 41 Bus	Bus	Business	22	Business	75	Business	43	Business	28
Other 1 0	0	Other	2	Other	41	Other	← I	Other	2
Political <u>0</u> Pol	Po	Political	Ol	Political	OI	Political	12	Political	Ol
Real Estate 14 Real	Real	Estate	13	Real Estate	<u> </u>	Real Estate	7	Real Estate	10
Yard/Garage 27 Yard/i Sale Sale S	Yard/	Yard/Garage Sale	43	Yard/Garage Sale	141	Yard/Garage Sale	32	Yard/Garage Sale	23
Total Signs 86 Violations 86	Tota	Signs ations	114	Total Signs Violations	254	Total Signs Violations	96	Total Signs Violations	89
Total Removed <u>56</u> Total R	Total R	Total Removed	52	Total Removed	244	Total Removed	96	Total Removed	57
Total Notices 14 Total		Notices	41	Total Notices	위	Total Notices	OI	Total Notices	11

					7,700			
0+00	Omeract Business Name	Continue English	O to the tity	Typo of Cidn	lybe of	oci+ov	oteO acitov	Commonte
Dale	COLITACT_ DUSILIESS IVAILIE	Location Found	ด์กลาเกเง	igic io advi	VIOIATIOII	ACHOLI	Action Date	COIIIIIEIIIS
			(:	Notice of		:
4/20/2012	Rapiscan	1000 Management Way	3	Banner	Prohibited	Violation	4/23/2012	4/23/2012 Windfeathers
						Notice of		
4 /28/2012 Anfesas	Anfesas	US 70	1	1 Banner	No permit	Violation	4/28/2012	
	Banner	# of Signs	4	Notices		2 Removed	ō	
Enforcement					Type of			
Date	Contact_Business Name	Location Found	Quantity	Type of Sign	Violation	Action	Action Date	Comments
4 /2 /2012 Auction	Auction	Hwy 50 & New Rand Road	T	Business	Prohibited	Removed	4/2/2012	
		Fayetteville Road & Pinewind						
4 /4 /2012	4 /4 /2012 Mobile Home Mover	Drive	⊣	1 Business	Prohibited	Removed	4/4/2012	
4 /5 /2012	4 /5 /2012 Sofa & Love Seat	Garner Station	T	1 Business	Prohibited	Removed	4/5/2012	
4 /28/2012	4 /28/2012 Buttons & Bows	Timber Drive	T	1 Business	No permit	Removed	4/28/2012	
4 /9 /2012	4 /9 /2012 Gateway Club House	Garner Station Blvd	1	1 Business	Right-of-way	Removed	4/9/2012	
4 /2 /2012	4 /2 /2012 Kaze Steakhouse	Timber Drive Extension	T	1 Business	Prohibited	Removed	4/2/2012	
4 /2 /2012	4 /2 /2012 Pressure Washing	Hwy 50 & Timber Drive	T	1 Business	Prohibited	Removed	4/2/2012	
4/28/2012	4 /28/2012 5 Piece Bedroom Suite	Fayetteville Road	Τ	Business	Prohibited	Removed	4/28/2012	
4 /2 /2012	4 /2 /2012 Pressure Washing	Hwy 70 & White Oak Road	1	1 Business	Prohibited	Removed	4/2/2012	
						Notice of		
4/28/2012	4 /28/2012 Triangle Concrete Supply	Fayetteville Road	1	Business	Prohibited	Violation	4/28/2012	
4/28/2012	4 /28/2012 Karate Open House	Timber Drive	1	1 Business	Prohibited	Removed	4/28/2012	
4 /5 /2012	4 /5 /2012 Sofa & Love Seat	Garner Towne Square	2	Business	Prohibited	Removed	4/5/2012	
4 /5 /2012	/5 /2012 5 pc Bedroom sEat	Garner Station	1	Business	Prohibited	Removed	4/5/2012	
						Notice of		
4 /5 /2012 Just Tires	Just Tires	US 70	1	1 Business	Prohibited	Violation	4/5/2012 Flags	Flags
4 /5 /2012	4 /5 /2012 Cleveland Florist II	Loop Road & Spring Drive	T	1 Business	Prohibited	Removed	4/5/2012	

										,
		Comments								
15		Action Date	4/2/2012	4/9/2012	4/9/2012	4/14/2012	4/14/2012	4/14/2012	4/14/2012	4/14/2012
2 Removed		Action	Removed	Removed	Removed	Removed	Removed	Removed	Removed	Removed
	Type of	Violation	Right-of-way	Prohibited	Prohibited	Off-premise	Prohibited	Prohibited	Prohibited	Prohibited
<u>Notices</u>		Type of Sign	2 Other	Other	9 Other	3 Other	L Other	2 Other	Other	. Other
<u>16</u>		Quantity	2	1	6	3	1	2	1	1
# of Signs		Location Found	White Oak Road	Hwy 50 & Buffaloe Road	Multiple Locations	Hwy 50	Benson Road & Timber Drive	Fayetteville Road	Mechanical Boulevard	Hwy 70 & Mechanical
Business		Contact_Business Name	4 /2 /2012 True North Church	4/9/2012 New Hope Church	4 /9 /2012 True North Church	Church	4 /14/2012 United Methodist Church	4 /14/2012 St. Andrews UMC	4 / 14/2012 Gateway Club	4 / 14/2012 Gateway Club
	Enforcement	Date	4 /2 /2012	4/9/2012	4 /9 /2012	4 / 14/2012 Church	4/14/2012	4/14/2012	4/14/2012	4/14/2012

****Several locations may have multiple signs that only 1 Notice was sent***

Enforcement	nent					Type of			
Date	d)	Contact_Business Name	Location Found	Quantity	Type of Sign	Violation	Action	Action Date	Comments
4/14/	4 /14/2012 St	St Andrews BBQ	Multiple Locations	9	Other	Prohibited	Removed	4/14/2012	
4/14/	4/14/2012 BBQ	30	Timber & Aversboro	1	1 Other	Prohibited	Removed	4/14/2012	
4/16/	/2012 Tr	4 /16/2012 True North Church	Hwy 50 & New Rand Road	1	1 Other	Prohibited	Removed	4/16/2012	
4 /28/	4 /28/2012 X-Factor	Factor	Fayetteville Road	1	1 Other	Prohibited	Removed	4/28/2012	
14		Other	# of Signs	<u>29</u>	Notices	Ō	O Removed	29	
8-									
Enfo	ment		:	:	i	Type of		:	
Date	a)	Contact_Business Name	Location Found	Quantity	Type of Sign	Violation	Action	Action Date	Comments
									Polling place signs only 24
									hours prior to
4 /20/	/2012 M	4 /20/2012 McCuller for Judge	Avery Street Rec.	1	1 Political	Prohibited	Removed	4/20/2012 election	election
		Political	# of Signs	1	Notices	Ō	O Removed	1	
Enforcement	ment					Type of			
Date	0	Contact_Business Name	Location Found	Quantity	Type of Sign	Violation	Action	Action Date	Comments
			Fayetteville Road & Pinewind						
4 /4 /	/2012 AF	4 /4 /2012 Apartment for Rent	Drive	1	1 Real Estate	Off-premise	Removed	4/4/2012	
4/14/	/14/2012 Tu	Tuscany	Hwy 70 & Raynor Road	1	Real Estate	Right-of-way	Removed	4/14/2012	
4/14/	/2012 Re	4 /14/2012 Real Estate	Hwy 50	3	Real Estate	Off-premise	Removed	4/14/2012	
4/18/	4 /18/2012 Auction	uction	Timber Drive & Woodland	2	Real Estate	Off-premise	Removed	4/18/2012	
4 /28/	4 /28/2012 Auction	nction	US 70 & Timber Drive	2	Real Estate	Prohibited	Removed	4/28/2012	
4 /28/	4 /28/2012 Auction	nction	Timber & Grovemont	1	Real Estate	Prohibited	Removed	4/28/2012	
4 /28/	4 /28/2012 Auction	uction	Timber & Woodland	2	Real Estate	Prohibited	Removed	4/28/2012	
4 /28/	/2012 O _l	4 /28/2012 Open House	Timber & Coachman	1	Real Estate	Prohibited	Removed	4/28/2012	
4 /28/	4 /28/2012 Auction	nction	Timber & Vandora Springs	1	1 Real Estate	Prohibited	Removed	4/28/2012	
4 /28/	/2012 O _l	4 /28/2012 Open House	Timber & Buckingham	1	1 Real Estate	Prohibited	Removed	4/28/2012	

	Real Estate	# of Signs	<u>15</u>	Notices		<u>0 Removed</u>	<u>15</u>	
Enforcement					Type of			
Date	Contact_Business Name	Location Found	Quantity	Type of Sign	Violation	Action	Action Date	Comments
				Yard/Garage				
4 /2 /2012 Yard Sale	Yard Sale	Multiple Locations	7	7 Sale	Prohibited	Removed	4/2/2012	
				Yard/Garage				
4 /9 /2012 Yard Sales	Yard Sales	Multiple Locations	Ŋ	5 Sale	Prohibited	Removed	4/9/2012	
				Yard/Garage				
4 / 14/2012 Yard Sale	Yard Sale	Timber Drive	7	7 Sale	Prohibited	Removed	4/14/2012	

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ents																																
Comments																					_											
Action Date	4/14/2012	4/14/2012	4/14/2012		4/14/2012	4/14/2012		4/14/2012	0700/77/7	4/14/2012		4/14/2012		4/14/2012		4/14/2012		4/16/2012	0,00,00,0	4/20/2012		4/25/2012		4/28/2012		4/28/2012		4/28/2012		4/28/2012		4/28/2012
Action	Removed	Removed	Removed		Removed	Removed		Removed		кетоуеа		Removed		Removed		Removed		Removed		кеттоуеа		Removed		Removed		Removed		Removed		Removed		Removed
Type of Violation	Prohibited	Prohibited	Prohibited		Prohibited	Prohibited		Prohibited	F 0 4; 4; 4 0 7 C	Pronibited		Prohibited		Prohibited		Prohibited		Prohibited	F 0 +: 4 : 4 0 ° 0	Pronibited		Prohibited		Prohibited		Prohibited		Prohibited		Prohibited		Prohibited
Type of Sign	Yard/Garage Sale	Yard/Garage Sale	Yard/Garage	Yard/Garage	Sale	Yard/Garage Sale	Yard/Garage	Sale	Yard/Garage	sale	Yard/Garage	Sale	Yard/Garage	Sale	Yard/Garage		Yard/Garage	Sale	Yard/Garage	Sale	Yard/Garage	Sale	Yard/Garage	Sale	Yard/Garage	Sale	Yard/Garage	Sale	Yard/Garage	1 Sale	Yard/Garage	1 Sale
Quantity		2		ì	m	. 2		ਜ		S)		3		9		10		1	·	7		1		Т		3		T		1		1
Location Found	Fayetteville Road	Timber & Aversboro	Multiple Locations		Timber & Vandora	Forest Landing)	Hwy 50	· · · · · · · · · · · · · · · · · · ·	Atcnison		Weston Road		Garner Road		Multiple Locations		603 Tiffany Circle		vandora Ave		Oldstage & Seastone		Timber & Aversboro		Timber & Vandora Springs		Timber & Woodland	Fayetteville Road & Old Stage	Road	Fayetteville Road & Old Stage	Road
Contact_Business Name	St. Andrews UMC	Yard Sale	Vard Sale)	Yard Sale	Yard Sale		Yard Sale		rard sale		Yard Sale		Yard Sale		/14/2012 Relay for Life		Yard Sale		rard Sale		Yard Sale		Yard Sale		Yard Sale		Yard Sale		For Sale		Yard Sale
Enforcement Date	4 / 14 / 2012	4 /14/2012 Yard Sale			4 / 14/2012 Yard Sale	4 /14/2012 Yard Sale		4 / 14/2012 Yard Sale	0,000	4 / 14/ 2012 rard Sale		4 /14/2012 Yard Sale		4 /14/2012 Yard Sale		4/14/2012 F		4 /16/2012 Yard Sale	0,000,000	4 / 20/ 2012 Yard Sale		4 /25/2012 Yard Sale		4 /28/2012 Yard Sale		4 /28/2012 Yard Sale		4 /28/2012 Yard Sale		4 /28/2012 For Sale		4 /28/2012 Yard Sale
	PA	GE-	149)_																												_

74		134
<u>O</u> <u>Removed</u>	# of	4 Removed
Notices		# of Notices
74		<u>139</u>
# of Signs		# of Signs
Yard/Garage Sale		Grand Totals

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